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LEGISLATIVE HISTORY

Public Law 86-537
H. R. 7480

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INDEX AND SUMMARY OF H. R. 7480

May 28, 1959	Rep. Haley introduced H.R. 7430 which was referred to the House Interstate and Foreign Commerce Committee. Print of bill.
June 1, 1959	Rep. Ullman introduced H. R. 7480 which was referred to the House Interstate and Foreign Commerce Committee. Print of bill.
Mar. 9, 1960	House subcommittee voted to report H. R. 7480.
Mar. 24, 1960	House committee voted to report (but did not actually report) H. R. 7480.
Apr. 11, 1960	House committee reported H. R. 7480 without amendment. H. Report No. 1468. Print of bill and report.
Apr. 19, 1960	House passed over H. R. 7480 at the request of Rep. McFall.
May 2, 1960	House passed over H. R. 7480 at the request of Rep. Aspinall.
May 12, 1960	Rules Committee reported resolution for the consideration of H. R. 7480. H. Res. 526, H. Rept. No. 1603. Print of resolution and report.
May 16, 1960	House passed H. R. 7480 without amendment.
May 17, 1960	H. R. 7480 was referred to the Senate Labor and Public Welfare Committee. Print of bill as referred.
June 9, 1960	Senate committee voted to report (but did not actually report) H. R. 7480.
June 10, 1960	Senate committee reported H. R. 7480 without amendment. S. Report No. 1548. Print of bill and report.
June 18, 1960	Senate passed H. R. 7480 without amendment.
June 29, 1960	Approved: Public Law 86-537.

DIGEST OF PUBLIC LAW 86-537

LABEL DECLARATION OF PESTICIDE CHEMICALS. Amends section 403 of the Federal Food, Drug, and Cosmetic Act so as to provide that a food shall be deemed to be misbranded if it is a raw agricultural commodity which is the produce of the soil, bearing or containing a pesticide chemical applied after harvest, unless the shipping container bears labeling which declares the presence of such chemical in or on the commodity and the common or usual name and the function of the chemical. Provides that the label declaration shall not be required while the commodity, having been removed from the shipping container, is being held or displayed for sale at retail out of the container in accordance with the custom of the trade.

86TH CONGRESS
1ST SESSION

H. R. 7430

IN THE HOUSE OF REPRESENTATIVES

MAY 28, 1959

Mr. HALEY introduced the following bill; which was referred to the Committee on Interstate and Foreign Commerce

A BILL

To amend the Federal Food, Drug, and Cosmetic Act, with respect to label declaration of the use of pesticide chemicals on raw agricultural commodities which are the produce of the soil.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*
3 That section 403 of the Federal Food, Drug, and Cosmetic
4 Act (21 U.S.C. 343) is amended—

5 (1) by adding at the end of paragraph (k) thereof
6 the following sentence: "The provisions of this para-
7 graph with respect to chemical preservatives shall not
8 apply to a pesticide chemical when used in or on a raw

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By Mr. HALEY

MAY 28, 1959

Referred to the Committee on Interstate and Foreign
Commerce

86TH CONGRESS
1ST SESSION

H. R. 7480

IN THE HOUSE OF REPRESENTATIVES

JUNE 1, 1959

Mr. ULLMAN introduced the following bill; which was referred to the Committee on Interstate and Foreign Commerce

A BILL

To amend the Federal Food, Drug, and Cosmetic Act, with respect to label declaration of the use of pesticide chemicals on raw agricultural commodities which are the produce of the soil.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*
3 That section 403 of the Federal Food, Drug, and Cosmetic
4 Act (21 U.S.C. 343) is amended—

5 (1) by adding at the end of paragraph (k) thereof
6 the following sentence: “The provisions of this para-
7 graph with respect to chemical preservatives shall not
8 apply to a pesticide chemical when used in or on a raw

1 agricultural commodity which is the produce of the
2 soil.”;

3 (2) by adding at the end of such section the follow-
4 ing new paragraph:

5 “(1) If it is a raw agricultural commodity which is the
6 produce of the soil, bearing or containing a pesticide chemical
7 applied after harvest, unless the shipping container of such
8 commodity bears labeling which declares the presence of
9 such chemical in or on such commodity and the common or
10 usual name and the function of such chemical: *Provided,*
11 *however,* That no such declaration shall be required while
12 such commodity, having been removed from the shipping
13 container, is being held or displayed for sale at retail out of
14 such container in accordance with the custom of the trade.”

15 SEC. 2. Nothing in the amendments made by the first
16 section of this Act shall affect any requirement of the laws
17 of any State or Territory.

A BILL

To amend the Federal Food, Drug, and Cosmetic Act, with respect to label declaration of the use of pesticide chemicals on raw agricultural commodities which are the produce of the soil.

By Mr. ULMAN

JUNE 1, 1959

Referred to the Committee on Interstate and Foreign
Commerce

Digest of CONGRESSIONAL PROCEEDINGS

OF INTEREST TO THE DEPARTMENT OF AGRICULTURE

OFFICE OF
BUDGET AND FINANCE

(For Department
Staff Only)

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HIGHLIGHTS: Rep. St. George urged enactment of legislation to discontinue premium payments on Cuban sugar. Twelve Representatives introduced and discussed wheat program bills. Rep. Rabaut introduced and discussed food stamp bill.

HOUSE

- CHEMICAL ADDITIVES.** A subcommittee of the Interstate and Foreign Commerce Committee voted to report to the full committee H. R. 7480, to amend the Federal Food, Drug, and Cosmetic Act so as to provide that the term "chemical preservatives" shall not apply to a pesticide chemical when used in or on a raw agricultural commodity produced from the soil, and to require that shipping containers for raw agricultural commodities be labeled to indicate by name or function the presence of any pesticide chemical that had been applied after harvest. p. D188
- SUGAR.** Rep. St. George urged enactment of her bill, H. R. 9376, to prohibit the importation of Cuban sugar for so long as the price which U. S. importers are required to pay for such sugar is above the world market price, stated that "the United States is well able to get the necessary sugar for its own use without paying any bonus to Cuba or any other country," and inserted a newspaper article discussing the Cuban sugar situation. Reps. Conte and Broomfield commended Rep. St. George's statement. pp. 4678-9
- VETERAN REEMPLOYMENT.** Passed (on March 7, 1960) without amendment H. R. 5040, to amend and clarify the reemployment provisions of the Universal Military Training and Service Act. pp. 4328-9
- MILITARY CONSTRUCTION.** Passed without amendment H. R. 10777, the military construction authorization bill. pp. 4662-3

5. INTEREST RATES. Rep. Patman called attention to the fact that on many of the present long-term Government securities, interest rates are below the 4½% limit, and yields have continued to decline. He criticized the Federal Reserve Open Market Committee for selling a part of its Government security holdings on the open market, saying that in effect the Government is paying for its bonds twice or more. pp. 4679-80
6. FORESTRY; RECREATION. Rep. Kyl was appointed by the Speaker to fill a vacancy on the National Outdoor Recreation Resources Review Commission. p. 4683
7. RESEARCH; BRUCELLOSIS. Received a petition from the American National Cattle-men's Assn. endorsing H. J. Res. 619, to further reduce the incidence of brucellosis by providing Federal support to complete nationwide certification and proceed toward the eradication of brucellosis under the brucellosis eradication program. p. 4687
8. PERSONNEL. The "Daily Digest" states that the Post Office and Civil Service Committee "met in executive session and voted to begin hearings March 15, and ending no later than April 30, on the bills regarding postal and Federal employees' pay raises." p. D189
9. MINERALS. The Interior and Insular Affairs Committee voted to report (but did not actually report), H. R. 10455, amending several provisions of the Mineral Leasing Act of 1920. p. D188
10. INFORMATION. The Interior and Insular Affairs Committee voted to report (but did not actually report) S. 1185, to provide for the preservation of historical and archeological data (including relics and specimens) which might otherwise be lost as the result of the construction of a dam. p. D188

SENATE

11. NATURAL RESOURCES. Several Senators spoke in tribute to the work and accomplishments of Sen. Neuberger, particularly in the fields of natural resource development and forestry. pp. 4637-58

ITEMS IN APPENDIX

12. FARM PROGRAM. Extension of remarks of Rep. McGovern criticizing the administration's farm program, stating that "... the farm surpluses which Mr. Benson deplores have been built up under his unsound administration of the farm program," and inserting an article, "Why Do We Have So Much Wheat?" pp. A2063-4
Rep. Pelly inserted additional excerpts from letters sent to him by his constituents endorsing his proposed bill to repeal farm subsidies. p. A2075
13. IMPORTS. Extension of remarks of Rep. Dorn inserting several resolutions adopted by various farm groups urging the Congress to enact equitable and realistic quotas on importation of all foreign livestock, meat, and meat products. p. A2074
Rep. Lane inserted his statement before the U. S. Tariff Commission discussing the cotton export subsidy program. p. A2079
Rep. Lane also inserted the statement of Seabury Stanton, Northern Textile Ass'n., on this same subject. pp. A2080-1
14. RICE. Extension of remarks of Rep. Gathings encouraging increased consumption of rice in the U. S., and inserting a number of recipes using rice. p. 2054

March 24, 1960

HOUSE

14. APPROPRIATIONS. Permission was granted to the Appropriations Committee to file reports by midnight Friday, March 15, on the appropriation bills for the Department of Health, Education, and Welfare and for general Government matters. p. 6044
15. CHEMICAL ADDITIVES. The Interstate and Foreign Commerce Committee voted to report (but did not actually report) H. R. 7480, to amend the Federal, Food, Drug, and Cosmetic Act so as to provide that the term "chemical preservatives" shall not apply to a pesticide chemical when used in or on a raw agricultural commodity produced from the soil, and to require that shipping containers for raw agricultural commodities be labeled to indicate by name or function the presence of any pesticide chemical that had been applied after harvest. p. D235
16. TRANSPORTATION. The Coast Guard Subcommittee of the Merchant Marine and Fisheries Committee voted to report to the full committee, H. R. 9124, to continue exemption from inspection for vessels in Southeastern Alaska. p. D235
- POSTAL SERVICE. Rep. Gary stated that he is in support of the Postmaster General's "plea for objectivity in regard to the distribution guide system" creating employee efficiency in handling mail and inserted a letter from the Postmaster General explaining the system. pp. 6044-6
18. ELECTRICITY. Rep. Brown, Ga., commented on the 19th anniversary of the Southeastern Power Administration. p. 6047
19. FARM LABOR. Rep. McGovern inserted his testimony before the House Agriculture Subcommittee considering extension of the farm labor program in support of his bill, H. R. 11211, "designed to protect the American farmworker and the family farmer against unfair competition from imported Mexican labor." pp. 6047-8
20. FARM PROGRAM. Rep. Moulder inserted the speech in which Sen. Symington announced his candidacy for President which includes, as part of "four major policies," a sound program to reverse the present trend toward the elimination of the family size farmer, and help him attain a standard of living comparable to other Americans." p. 6049
Rep. Ostertag inserted the results of a poll in the 39th Congressional District of New York in which 81.7% of the persons polled answered "yes" to the question, "Should the Congress enact legislation to reduce the present levels of price-support subsidies for surplus farm commodities?" p. 6054
21. AGRICULTURAL IMPORTS. Rep. Thomson, Wyo., inserted his testimony before the U. S. Tariff Commission on the question of limiting imports of lamb and mutton in which he urged increased tariffs and if necessary quotas to "roll back the imports" of foreign agricultural products. pp. 6049-50
Received a petition from the Intermountain Veterinary Medical Association "urging the investigation of the imports of sheep and cattle from other countries and the need for adequate quarantine facilities for animals on the Pacific coast be recognized and investigated by Congress." p. 6083
22. GOVERNMENT OPERATIONS. Several Representatives discussed the operations of the Government Operations Committee in relation to H. Res. 460 to make available funds for investigations by the Committee. pp. 6051-2

23. INTEREST RATE. Rep. Holifield suggested that the Treasury offer an issue of long-term bonds in light of the recent drop in interest rate on short-term bonds, and asked that Congress wait for results of this issue before removing the 4½% interest restriction on long-term bonds. p. 6066
24. COST OF LIVING. Rep. Staggers commented on the rising cost of living, and urged support of his proposal to establish a "Department of Peace in the Federal Government." pp. 6077-8
25. AUDIT REPORT. Received from the Comptroller General a report on the audit of the Export-Import Bank of Washington for the fiscal year ended June 30, 1959 (H. Doc. 362). p. 6082
26. LEGISLATIVE PROGRAM. Rep. McCormack stated that the program for next week would include consideration of the General Government matters appropriation bill for 1961, and the appropriation bill for the Departments of Labor, and Health, Education, and Welfare. p. 6044
27. ADJOURNED until Mon., Mar. 28. p. 6082

ITEMS IN APPENDIX

28. 4-H CLUBS. Extension of remarks of Sen. Wiley inserting an article describing how a young farmer in his State has been named the outstanding farmer of the year. p. A2651
29. FARM INCOME. Extension of remarks of Sen. Curtis stating that "net farm income is down to a point where it is unfair to the Nation's farmers," and inserting an article, "Small-Farm Cost Plight Illustrated." p. A2654
30. SOIL CONSERVATION. Rep. Thornberry inserted several prize-winning essays on "Conservation, Whose Responsibility?" pp. A2658-9
31. PRICE SUPPORTS; WHEAT. Extension of remarks of Rep. Avery inserting a list of the 1959 crop price support commodity loans for wheat only under \$50,000 but more than \$25,000 by producer. pp. A2666-9
32. SMALL BUSINESS. Rep. McCullough commended and inserted the Small Business Administration's summary of their semiannual report. pp. A2677-8
33. FOREIGN AID. Extension of remarks of Rep. Fulton commending the good works for the children of the world by the United Nations Children's Fund, and inserting an article describing a recent development by the Fund of high protein drinks for the children in areas where milk is scarce. pp. A2686-7
34. MILK. Extension of remarks of Rep. Sullivan expressing approval of the announced undertaking of a special study into the sources of the high levels of strontium 90 "consistently being discovered in St. Louis milk supplies" and inserting a press release by HEW. pp. A2687-8
- Extension of remarks of Rep. Johnson, Wis., stating that a dairy plant in his district is the first in the Nation to produce grade A dry-milk powder and inserting an article on this subject. p. A2702
35. ETHICS. Extension of remarks of Rep. Bennett stating that the Civil Service Commission "is of the opinion that the code of ethics has done a great deal of good since it was enacted, but it needs to be strengthened by a Commission on

Digest of CONGRESSIONAL PROCEEDINGS

OF INTEREST TO THE DEPARTMENT OF AGRICULTURE

OFFICE OF
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(For Department
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86th-2d, No. 66

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HIGHLIGHTS: Sen. Case, S. Dak., defended USDA expenditures on farm program. House committee reported (on Fri., Apr. 8) State-Justice appropriation bill.

SENATE

1. LANDS; MINERALS. Passed without amendment S. 1268, to provide for notice to States owning surface lands in which minerals are reserved to the Federal Government of proposals to lease such minerals. p. 7316
2. FATS AND OILS. Passed without amendment H. R. 8649, to continue for 3 years the suspension of the tax on the first domestic processing of coconut oil, palm oil, and palm-kernel oil. This bill will now be sent to the President. p. 7324
3. TANNING EXTRACTS. Passed without amendment H. R. 9820, to extend for 3 years the period during which tanning extracts, including certain extracts, decoctions and preparations suitable for use for tanning, may be imported free of duty. This bill will now be sent to the President. p. 7324
4. CHICORY IMPORTS. Passed as reported H. R. 9307, to extend for 90 days, until July 16, 1960, the present suspension of the import duty on crude chicory and the reduction in the duty on ground chicory. p. 7324
5. RECLAMATION. Passed as reported S. 1092, to provide for the construction of the Cheney division, Wichita Federal reclamation project, Kan. pp. 7325-6

6. CIVIL DEFENSE. Passed as reported S. 2446, to make various amendments to the law authorizing the establishment of an Office of Civil Defense in the District of Columbia. pp. 7320-4
7. FARM PROGRAM; BUDGET. Sen. Case, S. Dak., stated that the "farmers of America are the victims of a big deception" by those who use the "total budget estimates for the Department of Agriculture as an amount of money Uncle Sam spends on farmers," stated that the "American consumers in general actually receive a larger share of the Federal funds spent each year in the name of agriculture than the farmers themselves," and referred to several programs in which others than the farmer receive the benefits. He also inserted a table on the breakdown of the budget figures for agriculture for the fiscal years 1960 and 1961, and a magazine article, "The Farmer's Side of the Case." pp. 7308-12
8. FOOD INSPECTION. Sen. Holland commended the Food and Drug Administration for "issuing an order staying the effective date of the basic order," pending a hearing, on standards of identity for orange juice and orange juice products when it was shown that the order would delay the shipment of such products during the next 2 months. pp. 7329-30
9. RESEARCH; HEALTH. Agreed to with an amendment S. Res. 255, to provide additional funds for the completion by the Government Operations Committee of its study of worldwide health and medical research. pp. 7330-39
10. WATERSHED PROJECTS. Passed over, at the request of Sen. Bartlett, H. R. 4781, to make the provisions of the Watershed Protection and Flood Prevention Act applicable to the 11 major watershed projects included in the watershed improvement programs authorized by the Flood Control Act of 1944. p. 7325
11. ORGANIZATION; PERSONNEL. Sen. McClellan submitted the report of the Government Operations Committee, "Organization of Federal Executive Departments and Agencies," which he stated included a chart showing in detail the organization structure of the executive branch and the number of employees assigned to its various functions (S. Rept. 1267). p. 7298
12. NOMINATIONS. The Finance Committee reported the nomination of Robert A. Forsyth to be an Assistant Secretary of Health, Education, and Welfare. p. 7298
13. LEGISLATIVE PROGRAM. Sen. Mansfield announced that the Treasury-Post Office appropriation bill will be considered Thurs., Apr. 14, "if it is ready." pp. 7296-7
14. ADJOURNED until Thurs., Apr. 14. p. 7348

HOUSE

15. APPROPRIATIONS. Reported (April 8 during recess) without amendment H. R. 11666, the State, Justice, Judiciary appropriation bill for 1961 (H. Rept. 1467) (p. 7361). The "Daily Digest" states that this bill will be considered by the House today (p. D296).
16. PESTICIDES. Reported without amendment H. R. 7480, to amend the Federal Food, Drug, and Cosmetic Act so as to provide that the term "chemical preservatives" shall not apply to a pesticide chemical when used in or on a raw agricultural commodity produced from the soil, and to require that shipping containers for raw agricultural commodities be labeled to indicate by name or

function the presence of any pesticide chemical that had been applied after harvest (H. Rept. 1468). p. 7361

17. WOOL. Passed as reported H. R. 9322, to make permanent the existing suspension of duties on certain coarse wool and to authorize the Secretary to revise the official standards of the U. S. for the grading of wool. pp. 7358-9
18. ATOMIC ENERGY. The Joint Committee on Atomic Energy voted to report (but did not actually report) to the Senate and House, respectively, clean bills in lieu of S. 3084 and H. R. 10656, the Atomic Energy Commission authorization bills for 1961. p. D296
19. PERSONNEL. Concurred in the Senate amendment to H. R. 3472, to repeal Section 1505 of the Social Security Act so that in determining eligibility of Federal employees for unemployment compensation their accrued annual leave shall be treated in accordance with State laws (pp. 7352-3). This bill will now be sent to the President.
20. ST. LAWRENCE SEAWAY. Both Houses received from the President a report on the activities of the St. Lawrence Seaway Development Corporation for the year ending Dec. 31, 1959. pp. 7295-7354
21. INVESTIGATIONS. Rep. Hoffman criticized a subcommittee of the Government Operations Committee for "using money for political purposes" and "making trouble for the departments." p. 7356
22. INTEREST RATE. Rep. Patman called the failure of a recent 4½% 25-year bond issue to sell "a success" and claimed the Treasury Department made it fail in an attempt to get Congress to repeal the present 4½% restriction. pp. 7359-60

ITEMS IN APPENDIX

23. TAXATION. Extension of remarks of Sen. Wiley inserting his recent radio address stressing the need for a "Hoover-type commission" for an overhauling of the tax system. pp. A3141-2
24. ELECTRIFICATION. Extension of remarks of Sen. Bartlett inserting an address describing the vast undertaking in the development of the Rampart hydroelectric project on the Yukon River. pp. A3142-3
25. INTEREST RATES. Extension of remarks of Sen. Keating inserting an editorial in support of the President's position in calling for the removal of the interest rate ceiling on long-term Treasury bonds. p. A3144
Extension of remarks of Rep. Byrnes urging immediate legislative action to repeal the "archaic 4½-percent interest rate ceiling." pp. A3156-7
26. FORESTRY. Extension of remarks of Sen. Engle urging the conference committee to provide adequate funds for forest fire prevention and inserting an article, "Cut the Fire Toll In U. S. Forests." p. A3151
Extension of remarks of Rep. Whitener discussing a forestry demonstration program held in Shelby, N. C., and inserting an address by Undersecretary Morse, "Forests and Rural Development." pp. A3173-4
27. LIBRARY SERVICES. Extension of remarks of Rep. Schwengel inserting statements by the President and Vice-President in connection with the observance of National Library Week. pp. A3151-2

28. UNEMPLOYMENT. Extension of remarks of Rep. Flood inserting tables which show the employment and unemployment in surplus labor markets for the New England and Northeastern States. pp. A3154-5
29. FARM PROGRAM. Rep. Dorn inserted a resolution adopted by the Independent Farmers of Ohio urging repeal of the Agricultural Adjustment Act as amended and "that simultaneously the accounts of the CCC be frozen pending the orderly liquidation of the corporation." p. A3162
30. DAIRY INDUSTRY. Extension of remarks of Rep. Steed inserting Rep. Roosevelt's speech before the annual convention of the National Independent Dairy Association in which he discussed small business problems in the dairy industry and his proposed bill designed to prevent the integration of food distribution through the operations of large chain retail food organizations. pp. A3163-4
31. FARM LABOR. Extension of remarks of Rep. Pelly expressing his belief "that there is an opportunity to improve the lot of the American migratory farm-worker," and inserting an address by Secretary of Labor Mitchell on this subject. pp. A3175-6
32. GRAIN STORAGE. Extension of remarks of Rep. Burdick inserting a resolution adopted by "interested parties" at a factfinding meeting recommending "a 1-year moratorium on the announced arbitrary rates and on any proposed change in the present uniform storage agreement." pp. A3184-5

BILLS INTRODUCED

33. SUGAR. H. R. 11687, by Rep. Rogers, Tex., to eliminate acreage allotments for sugar beets; to Agriculture Committee.
H. R. 11688, by Rep. Rogers, Tex., to amend the Sugar Act of 1948 to increase sugar quotas for domestic producers; to Agriculture Committee.
H. R. 11689, by Rep. Rogers, Tex., to amend the Sugar Act of 1948 to provide that future increases in sugar quotas will be allocated to domestic beet sugar producers in a manner which will assure new growers a fair share of such increases; to Agriculture Committee.
34. REGULATORY AGENCIES. S. 3359, by Sen. Proxmire, to amend the Administrative Procedure Act to provide for the public disclosure of certain congressional communications relating to proceedings conducted by administrative agencies; to Judiciary Committee. Remarks of author. p. 7299

HOUSE cont'd

35. FOREIGN AID. As reported by the Foreign Affairs Committee (see Digest 64), H. R. 11510, to extend the mutual security program, includes the following provisions: Requires that at least \$175,000,000 (same amount as in last year's act) of mutual security funds be used to finance the sale for foreign currencies of surplus agricultural commodities. Authorizes \$2,000,000 (last year's appropriation was \$2,300,000) for ocean freight to move supplies donated to and by American voluntary agencies. Amends Public Law 480 to enable the U. S. to undertake longer term programs (including work projects and education), in countries with low food consumption and high underemployment, which will be paid for in part by surplus agricultural commodities. Directs the President to administer assistance under this act so as to eliminate international boycotts, blockades, and the restriction of the use of international waterways. Authorizes use of local currencies for loans to small farmers,

AMENDING SECTION 403 OF THE FEDERAL FOOD, DRUG, AND
COSMETIC ACT WITH RESPECT TO LABEL DECLARATION OF THE
USE OF PESTICIDE CHEMICALS ON RAW AGRICULTURAL COM-
MODITIES

APRIL 11, 1960.—Committed to the Committee of the Whole House on the State
of the Union and ordered to be printed

Mr. ROBERTS, from the Committee on Interstate and Foreign Com-
merce, submitted the following

REPORT

[To accompany H.R. 7480]

The Committee on Interstate and Foreign Commerce, to whom was referred the bill (H.R. 7480) to amend the Federal Food, Drug, and Cosmetic Act, with respect to label declaration of the use of pesticide chemicals on raw agricultural commodities which are the produce of the soil, having considered the same, report favorably thereon without amendment and recommend that the bill do pass.

PURPOSE OF BILL

The reported bill would amend paragraph (k) of section 403 of the Federal Food, Drug, and Cosmetic Act by exempting from the labeling requirements of this paragraph the use, as chemical preservatives, of pesticide chemicals in or on raw agricultural commodities which are the produce of the soil.

The bill would also add a new paragraph to section 403 of the act, designated as paragraph (l) providing that a food shall be deemed to be misbranded if it is a raw agricultural commodity which is the produce of the soil bearing or containing a pesticide chemical applied after harvest, unless the shipping container bears labeling, declaring that a pesticide chemical has been used in or on such commodity and the common or usual name and the function of such chemical. However, no such declaration will be required when the raw agricultural commodity has been removed from the shipping container and is being held or displayed for sale at retail in accordance with the custom of the trade.

The bill provides that these amendments shall not affect any requirement of the laws of any State or territory.

BACKGROUND INFORMATION

Pesticide chemicals have been found to be extremely effective in reducing the serious losses of perishable raw agricultural commodities due to decay and insect infestation. The necessity of their use for the marketing of fresh produce is fully recognized by the fruit and vegetable growers, by scientific experts in the field, and by the Federal Food and Drug Administration.

Losses of fresh fruits and vegetables due to decay in marketing run into the millions of dollars annually. Pesticide chemicals are being used to cut down on these staggering losses, without harm to the consumer, and thus enable the farm economy to deliver to consumers a greater quantity of healthful fresh produce of a high quality and at a lower price than would be possible without their use. The application of pesticide chemicals to fresh fruits and vegetables has been increasing rapidly as new and more effective chemicals are developed.

Section 403(k) of the Federal Food, Drug, and Cosmetic Act provides, in part, that a food shall be deemed to be misbranded if it bears or contains any chemical preservative, unless the food bears a label stating that fact. The term "chemical preservative" is defined by regulation of the Food and Drug Administration as "any chemical that, when added to food, tends to prevent or retard deterioration thereof but does not include common salt, sugars, vinegars, spices, or oils extracted from spices, substances added to food by direct exposure thereof to wood smoke, or chemicals applied for their insecticidal or herbicidal properties." To the extent that it is impracticable to comply with this labeling requirement, the Secretary of Health, Education, and Welfare is directed by section 403(k) to establish exemptions by regulation.

The Food and Drug Administration has taken the position that pesticide chemicals put on fresh fruits or vegetables or on other raw agricultural commodities in order to prevent, retard, or arrest the growth of molds or bacteria and thereby to prevent or retard rot or decay, are chemical preservatives within the meaning of section 403(k). With respect to chemical preservatives applied to fruits and vegetables as pesticide chemicals *before* harvest, the Secretary has found label declaration under section 403(k) to be impracticable and hence has granted an exemption to that extent. If applied *after* harvest, however, the presence of the pesticide chemical as a preservative must be declared.

Under the circumstances, fresh fruits and vegetables shipped in interstate commerce, which have safe residues of pesticide chemicals applied postharvest to retard decay during the marketing process, must bear a label indicating that a chemical preservative has been used. The name of the pesticide, however, does not have to be stated under section 403(k).

The label stating that a chemical preservative has been used on the fruits or vegetables must appear, under the present regulations, in or on the bulk shipping container and on the display bin at the retail store by means of a counter card or sign placed conspicuously so that the consumer will be advised of that fact. Incorrect labeling is a violation of the act, and is a criminal offense.

However, the fresh fruit and vegetable industry differs from the viewpoint expressed by the Food and Drug Administration and, at the subcommittee hearings on a similar bill in the 85th Congress (H.R. 9521), they presented evidence by industry witnesses and land-grant college experts in support of the position that pesticide chemicals used postharvest on fresh fruits and vegetables are not chemical preservatives within the meaning of the act. These experts stated that fresh fruits and vegetables are living organisms, and not "preserved" by pesticidal residues. The presence of the residue does not eliminate any need for refrigeration by the purchaser of such commodities to avoid spoilage, in contrast to the preserved processed foods, which do not require refrigeration.

Under section 403(i)(2) of the Federal Food, Drug, and Cosmetic Act, the Food and Drug Administration has, moreover, insisted on label declaration of the common or usual name (not necessarily the chemical name) of a pesticide chemical applied after harvest. Section 403(i)(2) of the act requires label declaration of the common or usual name of each ingredient of a fabricated food except to the extent that the Secretary finds compliance impracticable. The Food and Drug Administration holds that when a fresh fruit or vegetable has been treated with a pesticide chemical *after* harvest, the fruit or vegetable is a "fabricated food" and the chemical is an "ingredient" the name of which must be declared in the absence of an exemption. No such exemption has been granted, though the Food and Drug Administration has proposed one for citrus fruit while displayed outside the shipping container at retail. This exemption would apply only to the requirement of declaration of the name, not to the requirement of section 403(k) as to the presence, of a chemical preservative.

The fresh fruit and vegetable industry has also strongly disagreed with the interpretation of section 403(i)(2), under which fresh fruits and vegetables treated postharvest with a pesticide chemical are considered "fabricated food" required to bear labeling showing the common or usual name of the chemical applied thereto. Furthermore, regardless of the question of interpretation, the industry has been urging that such label declarations are impracticable, especially at retail level, that where there is an attempt to compliance—by placard notice when the commodity is displayed at retail on the counter or in a bin—there is buyer resistance to the detriment of both producers and consumers, and that because of these labeling requirements large retailers are threatening to refuse fruits and vegetables so treated.

The Department of Health, Education, and Welfare has assured the committee that it would interpret the reported bill as making the labeling requirements of section 403(i)(2) inapplicable to a pesticide chemical on a raw agricultural commodity which is the produce of the soil.

The Department of Health, Education, and Welfare has no objection to the enactment of the reported bill.

The amendment proposed by this bill would not in any way weaken the protection which the Federal Food, Drug, and Cosmetic Act gives to consumers against the use of unsafe pesticide chemicals on raw agricultural commodities. This protection against unsafe pesticide chemicals is assured by section 408 of the act, which prohibits the use of pesticide chemicals on produce unless the Secretary of

Health, Education, and Welfare has prescribed safe tolerances for such chemicals. The Food and Drug Administration has acknowledged that this bill would not affect the safeguards to public health established by section 408. Mr. John L. Harvey, Deputy Commissioner of the Food and Drug Administration, stated:

I think it has been said that the Food and Drug Administration would agree that neither of these sections, 403(k) or 403(i)(2), are public health sections, or, to put it another way, that the whole question of the safety of chemicals added to raw agricultural commodities is dealt with in the Miller amendment. That is true. It is not in contemplation whether this 403(k) and 403(i)(2) remain or change; that they will permit the addition of harmful quantities of harmful preservatives to fresh fruit or any other food. That is not in contemplation at all (hearings before a subcommittee of the Committee on Interstate and Foreign Commerce, House of Representatives, 85th Cong., 2d sess., on H.R. 9521, p. 120).

NEED FOR LEGISLATION

At the committee hearings on H.R. 9521 in the 85th Congress, the fresh fruit and vegetable industry advised this committee that it was impracticable to comply with the Food and Drug Administration's ruling that fresh produce must bear chemical preservative labeling. The multiplicity of pesticide chemicals which are employed for post-harvest protection of fresh produce and the method of preparing for shipment and marketing such produce make it entirely impracticable to correctly label every retail display of fresh fruits and vegetables treated with pesticide chemicals, either to identify the pesticide chemicals used or to distinguish between produce which has and that which has not received this treatment.

It is a violation of the statute and a criminal offense to place an incorrect label upon the shipment or upon a display in a retail store. It is evident that either there will be many hundreds of violations of the Food and Drug Administration's requirements in retail stores throughout the country, or the retailer will refuse to purchase produce which has been treated with pesticide chemicals after harvest in order to avoid incurring criminal liability. Some large chainstores have already refused to accept produce so treated. The result will be to reduce the development of new pesticides and the use of those now available, the discouragement of the use of fresh fruits and vegetables, and great economic loss from the decay of those which are placed upon the market.

Illustrative of the difficulties facing the fresh fruit and vegetable industry under the interpretations of section 403 (k) is a statement presented to the committee at the hearings on H.R. 9521 by Mr. George W. Jenkins, president, Publix Super Markets, Inc., Lakeland, Fla. Part of Mr. Jenkins' statement follows:

It is our understanding the U.S. Food and Drug Administration holds that fresh fruits and vegetables treated postharvest with pesticide chemicals must, under section 403(k) of the Food, Drug, and Cosmetic Act, be labeled to that effect when offered for public sale on the theory that,

when so used, these pesticides are considered "chemical preservatives."

We have given this matter careful study in an effort to be as objective and impartial as possible, yet place it in its proper relationship among modern supermarket merchandising and distribution problems. And, in each case, we come back to the inescapable fact that such a ruling will not only seriously curtail our volume of fresh produce sold, but will also present virtually insurmountable problems in purchasing, prepackaging and distribution.

Let us cite some specific examples to illustrate the impracticability of such a requirement under our operations:

Fresh pears, grapes, peaches, apricots, lettuce, and other produce are supplied by numerous different shippers throughout the country. Assuming that three different supplies of the same item use three different pesticide chemicals on their fruit or vegetables, in order to conform to section 403(k), we should have to set up three distinct and separate displays, each with its own particular placard showing what chemical was used on that lot. This would, in effect, require three times the space area, with each lot being kept rigorously separated from the other. It might happen that one lot sold faster than the other two, yet that particular display would have to be left in its own bin until completely sold; there would be no possibility of mixing lots.

If, on the other hand, a consumer selected fruit from one lot, then put it back in a different lot, we are in technical violation of the food and drug regulations, and subject to prosecution in the Federal courts.

A very real danger exists that the placard placed inside the box by the shipper may be lost in transit. How are we to tell, without a chemical analysis, what chemical pesticide, if any, was used on the fruit? The supplier might be able to tell us, but we would have to hold up sale of a highly perishable product until we received or prepared another placard.

Fresh produce is usually put out by youngsters, who may bring out two or three boxes, each treated with a different chemical pesticide for sale that day. It is entirely possible that they might accidentally switch placards, and thereby make us subject to prosecution by Food and Drug. Yet, we cannot hire chemists to handle our produce.

In prepackaging, enforcement of this regulation becomes even more complex and dangerous for us, and could, possibly, doom this type of merchandising. When we receive produce from three different suppliers, these are put together in the grading room, where the produce or fruit is carefully selected as to size and quality, packed in trays that are then sealed with cellophane, and a price tag showing weight, value per pound, and the total price pasted on. No distinction on produce from different suppliers is made. Under 403(k), not only would we have to keep lots from different suppliers separate, but different stickers showing the chemicals used on the individual lots of produce would also be necessary.

It is our experience that housewives rarely, if ever, trouble to inquire if chemical pesticides are used on fresh produce. On the other hand, we are convinced that, if her attention is drawn to the fact by the compulsory use of stickers, she might hesitate a long time before buying or, because of ignorance of chemical terms, pass it up and buy the canned product instead.

The average housewife, as a matter of habit, washes produce such as apples, pears, and lettuce in preparing it for the table. Possibility of harm from ingestion of a pesticide chemical is very remote.

We must, therefore, go on record that, should Food and Drug enforce present regulations of section 403(k) and insist on the labeling of chemically treated fresh produce, we shall be compelled, in self-defense, to refuse to buy any item so treated. This, of course, will inevitably mean a considerably higher loss from spoilage because of shorter shelf life, with the resultant higher retail cost to the American consumer. We are wondering whether the Food and Drug Administration is prepared to defend this compulsory increase in cost of fresh produce to the public as fully justified.

To sum up, it is our considered opinion that the only concern of the housewife is whether such fresh produce is safe for human consumption. Safety, however, need not enter into consideration, as this is fully provided for by the Miller Act, which sets up tolerances for such chemicals on fresh produce. Therefore, we ask, why this unnecessary labeling? (Hearings before a subcommittee of the Committee on Interstate and Foreign Commerce, House of Representatives, 85th Cong., 2d sess., on H.R. 9521, pp. 72-73.)

HEARINGS

The committee did not consider it necessary to hold hearings on H.R. 7840 in view of the fact that extensive hearings were held in the 85th Congress on a similar bill, H.R. 9521. Among the organizations supporting the latter bill were:

American National Growers Corp., Los Angeles, Calif.
 California Grape & Tree Fruit League, San Francisco, Calif.
 Chase & Co., Sanford, Fla.
 Florida Citrus Commission, Lakeland, Fla.
 Florida Citrus Exchange, Tampa, Fla.
 Florida Citrus Mutual, Lakeland, Fla.
 Florida Fruit & Vegetable Association, Orlando, Fla.
 Grower-Shipper Vegetable Association of Central California, Salinas, Calif.
 Grower-Shipper Vegetable Association of Santa Barbara & San Luis Obispo Counties, Santa Maria, Calif.
 Idaho Grower Shippers Association, Idaho Falls, Idaho
 International Apple Association, Inc., Washington, D.C.
 Maine Potato Council, Presque Isle, Maine
 National Apple Institute, Washington, D.C.
 National Council of Farmer Cooperatives, Washington, D.C.
 National Grange, Washington, D.C.

National Union Association, East Lansing, Mich.
 Publix Super Markets, Inc., Lakeland, Fla.
 Pure Gold, Inc., Redlands, Calif.
 Red River Valley Potato Growers Association, East Grand Forks, Minn.
 Sunkist Growers, Los Angeles, Calif.
 Sunshine Food Markets, Sioux Falls, S. Dak.
 United Fresh Fruit & Vegetable Association, Washington, D.C.
 Vegetable Growers Association, Phoenix, Ariz.
 Vegetable Growers Association of America, Washington, D.C.
 West Mexico Vegetable Distributors Association, Nogales, Ariz.
 Western Growers Association, Los Angeles, Calif.

REPORTS FROM EXECUTIVE DEPARTMENTS AND AGENCIES

The Department of Health, Education, and Welfare, the Department of Agriculture, and the Bureau of the Budget have advised the committee that they would not object to the enactment of this bill. The latter two agency reports were on H.R. 7430, a bill identical with H.R. 7480, the reported bill. These reports appear in an appendix to this report.

The committee does not know of any opposition to this bill.

No estimate is available of the cost of this legislation.

CHANGES IN EXISTING LAW

In compliance with clause 3 of rule XIII of the Rules of the House of Representatives, changes in existing law made by the bill, as introduced, are shown as follows (new matter is printed in *italic*, existing law in which no change is proposed is shown in *roman*):

SECTION 403 OF THE FEDERAL FOOD, DRUG, AND COSMETIC ACT (21 U.S.C. 343)

MISBRANDED FOOD

SEC. 403. A food shall be deemed to be misbranded—

- (a) If its labeling is false or misleading in any particular.
- (b) If it is offered for sale under the name of another food.
- (c) If it is an imitation of another food, unless its label bears, in type of uniform size and prominence, the word "*imitation*" and, immediately thereafter, the name of the food imitated.
- (d) If its container is so made, formed, or filled as to be misleading.
- (e) If in package form unless it bears a label containing (1) the name and place of business of the manufacturer, packer, or distributor; and (2) an accurate statement of the quantity of the contents in terms of weight, measure, or numerical count: *Provided*, That under clause (2) of this paragraph reasonable variations shall be permitted, and exemptions as to small packages shall be established, by regulations prescribed by the Secretary.
- (f) If any word, statement, or other information required by or under authority of this Act to appear on the label or labeling is not prominently placed thereon with such conspicuousness (as compared with other words, statements, designs, or devices, in the labeling) and in such terms as to render it likely to be read and understood by the

impracticable. The term "chemical preservative" has, by regulation, been interpreted to mean any chemical additive which tends to prevent or retard deterioration of food, except common salt, vinegar, spices or oils extracted therefrom, wood smoke, or chemicals applied for their insecticidal or herbicidal properties. Thus, pesticide chemicals put on fresh fruits or vegetables or on other raw agricultural commodities in order to prevent, retard, or arrest the growth of molds or bacteria and thereby to prevent or retard rot or decay, are chemical preservatives within the meaning of section 403(k). With respect to chemical preservatives applied to fruits and vegetables as pesticide chemicals before harvest, the Secretary has found label declaration under section 403(k) to be impracticable and hence has granted an exemption to that extent. If applied after harvest, however, the presence of the pesticide chemical as a preservative must still be declared.

Under another provision of the act, section 403(i)(2), the Food and Drug Administration has, moreover, insisted on label declaration of the common or usual name (not necessarily the chemical name) of a pesticide chemical applied after harvest. Section 403(i)(2) of the act requires label declaration of the common or usual name of each ingredient of a fabricated food (except to the extent that the Secretary finds compliance impracticable, etc.). The Food and Drug Administration holds that when a fresh fruit or vegetable has been treated with a pesticide chemical after harvest, the fruit or vegetable, being no longer in its natural state, is a "fabricated food" and the chemical is an "ingredient" the name of which must be declared in the absence of an exemption. No such exemption has been granted, though the the Food and Drug Administration has proposed one for citrus fruit while displayed outside the shipping container at retail. (The exemption would apply only to the requirement of declaration of the name, not to the requirement of section 403(k) as to the presence, of a chemical preservative.)

The industries concerned have contended that, contrary to the official interpretation, pesticide chemicals used postharvest on fresh fruits and vegetables to prevent or retard mold or bacteria are not "chemical preservatives" within the meaning of section 403(k) of the act. They have also strongly disagreed with the interpretation of section 403(i)(2), under which fresh fruits and vegetables treated postharvest with a pesticide chemical are considered "fabricated food" required to bear labeling showing the common or usual name of the chemical applied thereto. And regardless of the question of interpretation, they have been urging that such label declarations are impracticable, especially at retail level, that where there is an attempt at compliance—by placard notice when the commodity is displayed at retail on the counter or in a bin—there is buyer resistance to the detriment of consumers, and that because of these labeling requirements large retailers are threatening to refuse fruits and vegetables so treated.

H.R. 9521 was, therefore, introduced in the 85th Congress so as to amend section 403(k) by providing that, as used in that paragraph, the term "chemical preservative" shall not include any pesticide chemical when used in or on any raw agricultural commodity which is the produce of the soil.

A majority of your committee as then composed, in reporting that bill favorably, stated:

"The fresh fruits and vegetable industry has demonstrated to the satisfaction of this committee that the labeling requirements of section 403(k) of the Federal Food, Drug, and Cosmetic Act are impractical insofar as such produce are concerned. Such labeling would be difficult, if not impossible, to enforce because of the vast scope and complexity of the production and marketing of fresh fruits and vegetables and the multiplicity of pesticide chemicals which might be used. It may cause buyer resistance to the consumption of fresh fruits and vegetables treated with chemical preservatives. Increased buyer resistance would result in making fresh produce less available to consumers and would prove to be a detriment to the nutrition and health of the Nation. It may well disrupt and impede the entire marketing processes for fresh produce, causing hardships to producers as well" (H. Rept. No. 2119, pp. 6-7).

With respect to section 403(i)(2), the interpretation of which was in dispute between the Food and Drug Administration and the affected industries, both H.R. 9521 and the majority report thereon were silent, so that, had the bill been enacted in its then form, the dispute would eventually have had to be resolved by litigation.

Six members of the committee dissented. They pointed out that—apart from being consonant with the principle of honesty and fair dealing inherent in label disclosure of chemical preservatives—label information as to the presence and identity of a chemical preservative on fresh fruits and vegetables greatly facilitates the enforcement of safe tolerance limitations established for such chemicals under the law and is thus important from the point of view of the protection of the public health. They were therefore greatly concerned lest consumer health be jeopardized if the bill's amendment to section 403(k) were enacted and if, contrary to our view, section 403(i)(2), above explained, should in subsequent litigation "be held not to be applicable." At the same time—while agreeing with us that the consumer has a right to know that food has been chemically preserved after harvest and to make a choice between food that has been so treated and food that has not—the committee minority concluded that to require retailers, under penalty of the law, to label fruits and vegetables in their display bins as to the presence and identity of preservatives created serious problems of compliance for retailers and appeared to impose on them a considerable hardship. Their minority report therefore offered a compromise proposal, as follows:

"The undersigned favor a substitute for the proposed legislation which would retain the present requirement that containers in which fruit and vegetables are shipped at wholesale be labeled properly as to the presence and identity of chemical preservatives on the fruits and vegetables shipped in such containers but that this requirement be eliminated with respect to all retail displays of fruits and vegetables. This would offer the relief sought by the industry and preserve the most important safety features of present law.

"It seems to the undersigned, bearing in mind the small number of Federal food and drug inspectors, that inspection of retail grocery establishments by Federal officials would be largely theoretical in any event. This responsibility must be left primarily to State and local food and drug inspectors whose task will be aided greatly by the

labeling requirement for bulk containers in which fruits and vegetables are shipped at wholesale" (H. Rept. No. 2119, 85th Cong., pp. 16, 17).

The approach taken in the minority report of the committee offered a possible basis for a compromise solution. On the one hand, while recognizing that label disclosure of preharvest chemicals on raw agricultural commodities which are the produce of the soil was not practicable, we nevertheless considered it important, from the point of view of facilitating the enforcement of the tolerance system with respect to postharvest pesticide chemicals, that the common or usual name of the chemical be declared at least on the label of the shipping container. Inasmuch as this requirement rested on a disputed interpretation of the law (sec. 403(i)(2)), it was in the public interest to clarify the law by making the requirement explicit with respect to the commodities involved and thus avoiding possibly protracted litigation.

On the other hand, while believing in principle that honesty and fair dealing in the interest of consumers requires label disclosure of the presence of a chemical preservative at the retail level, we were also impressed with the fact that, under present conditions at least, such a requirement at that level was of doubtful value from the point of view of the enforcement of the Federal Food, Drug, and Cosmetic Act in view of the inability of the Administration to concentrate its enforcement activities at the retail level, and that regulation of this aspect of the matter might properly be left to State and local authorities.

Moreover, while in our view a label declaration of the presence of a chemical preservative on fresh fruits and vegetables is generally not impracticable even when the commodity is displayed in a bin or on the counter, there are indications that at least as to some types of fresh fruits and vegetables, and possibly as to others, label disclosure of the common or usual name of the chemical at retail level might in such cases not be practicable. If the law were left unchanged, we would thus no doubt be burdened with many applications and proceedings for declaring these requirements impracticable at retail level, thus imposing an undue administrative burden on the Food and Drug Administration in relation to the limited benefit to consumers that might result from the retention of the requirement in this respect.

Hence, in the closing days of the congressional session, conferences were held between representatives of this Department on the one hand and Members of Congress sponsoring this legislation and representatives of the affected industries on the other hand, which resulted in an understanding that we would not feel constrained to object to legislation which recognized the following principles:

1. While raw produce of the soil, treated postharvest with a chemical preservative, is in a shipping container, the shipping container must, both at the wholesale and retail levels, bear labeling declaring the presence, the common or usual name, and the function of the chemical.

2. None of these requirements shall apply at retail level after the agricultural commodity has been removed from the shipping container and while it is being held or displayed in accordance with the custom of the trade outside the shipping container. States and territories shall, however, be free to regulate the matter.

Amendments designed to carry out this understanding were submitted by the committee on the floor of the House, and H.R. 9521,

as thus amended, was passed by the House on August 20, 1958, too late, however, to be acted upon in the Senate during the remainder of that Congress.

This version of the bill was reintroduced in the present Congress as H.R. 2336 and H.R. 3767. It was realized, however, that, having been drafted in haste, the amendment did not adequately express the understanding reached, since the requirement as to the label declarations on the shipping container was stated merely as a condition of exemption of the retailer from meeting the requirements of section 403(k) of the act, rather than as an independent requirement. The present bills (H.R. 7430 and H.R. 7480) were therefore introduced.

The new paragraph (1) which the present bill would add to section 403 of the act is intended to cover in a single paragraph of the act all label disclosure requirements for pesticide chemicals on raw produce of the soil. While this paragraph is not free from ambiguity, we would interpret it as if it read as follows:

"SEC. 403. A food shall be deemed to be misbranded—

* * * * *

"(1) if it is a raw agricultural commodity which is the produce of the soil, bearing or containing a pesticide chemical applied after harvest, unless it bears labeling which declares the presence of such chemical in or on such commodity and the common or usual name and the function of such chemical, except that (1), while such commodity is in a shipping container, such labeling shall be required only on such container, and (2) no such declaration shall be required while such such commodity, having been removed from the shipping container, is being held or displayed for sale at retail out of such container in accordance with the custom of the trade."

With this understanding, we would not object to the bill in its present form, assuming that the legislative history confirms our understanding.

If the bill is enacted, we shall, of course, interpret it as making the requirements of clause (2) of paragraph (i) of § 403 inapplicable to a pesticide chemical on a raw agricultural commodity which is the produce of the soil.

We should like to add that the compromise understanding reached last year was limited to so-called fungicides and fungistats—which we interpreted to include bactericides—on raw agricultural commodities which are the produce of the soil. We agree with the present bill, however, in making the amendment applicable to all pesticide chemicals on raw agricultural commodities, since there is no good reason, from the point of view of the purposes of this bill, to limit it to pesticide chemicals which are chemical preservatives or fungicides and fungistats.

In conclusion, we would not object to the enactment of H.R. 7430 or H.R. 7480, either in the present form or, if the committee should prefer to clarify it, in a form along the lines above outlined.

The Bureau of the Budget advises that it perceives no objection to the submission of this report to your committee.

Sincerely yours,

ARTHUR S. FLEMMING, *Secretary*.

DEPARTMENT OF AGRICULTURE,
Washington, D.C., August 17, 1959.

HON. OREN HARRIS,
*Chairman, Committee on Interstate and Foreign Commerce,
House of Representatives.*

DEAR CONGRESSMAN HARRIS: This is in reply to your request of June 2, for a report on H.R. 7430, a bill to amend the Federal Food, Drug, and Cosmetic Act, with respect to label declaration of the use of pesticide chemicals on raw agricultural commodities which are the produce of the soil.

From the standpoint of the activities of this Department, we have no objection to the enactment of the bill, since it would not have an adverse effect on the programs administered by the Department of Agriculture. However, you may wish to obtain the views of the Department of Health, Education, and Welfare regarding the bill.

The bill provides that the provisions of section 403(k) of the Federal Food, Drug, and Cosmetic Act with respect to chemical preservatives shall not apply to a pesticide chemical when used in or on a raw agricultural commodity which is the produce of the soil. In addition, the proposed legislation would add a new subsection to the aforementioned act with respect to label declarations. It would require that shipping containers for raw agricultural commodities be labeled to indicate by name and function the presence of any pesticide chemical that had been applied after harvest. However, the labeling declaration would not be required when such commodities are removed from their containers to be held or displayed for sale in accordance with the customs of the trade. It further provides that nothing in the bill shall affect any requirements of the laws of any State or Territory.

The Bureau of the Budget advises that there is no objection to the submission of this report.

Sincerely yours,

E. L. PETERSON,
Assistant Secretary.

EXECUTIVE OFFICE OF THE PRESIDENT,
BUREAU OF THE BUDGET,
Washington, D.C., August 27, 1959.

HON. OREN HARRIS,
*Chairman, Committee on Interstate and Foreign Commerce,
House of Representatives, House Office Building,
Washington, D.C.*

MY DEAR MR. CHAIRMAN: This is in reply to your request of June 2, 1959, for a report from the Bureau of the Budget on H.R. 7430, a bill to amend the Federal Food, Drug, and Cosmetic Act, with respect to label declaration of the use of pesticide chemicals on raw agricultural commodities which are the produce of the soil.

The bill would amend the Federal Food, Drug, and Cosmetic Act to clarify the requirement for labeling of raw agricultural commodities which are the produce of the soil which bear a pesticide chemical applied after harvest.

In its report, the Department of Health, Education, and Welfare relates the background of the proposal incorporated in H.R. 7430 and does not object to its enactment. In view of the circumstances and background set forth in that Department's report, this office would not object to the enactment of this bill.

Sincerely yours,

PHILLIP S. HUGHES,
Assistant Director for Legislative Reference.



Union Calendar No. 635

86TH CONGRESS
2D SESSION

H. R. 7480

[Report No. 1468]

IN THE HOUSE OF REPRESENTATIVES

JUNE 1, 1959

Mr. ULLMAN introduced the following bill; which was referred to the Committee on Interstate and Foreign Commerce

APRIL 11, 1960

Committed to the Committee of the Whole House on the State of the Union
and ordered to be printed

A BILL

To amend the Federal Food, Drug, and Cosmetic Act, with respect to label declaration of the use of pesticide chemicals on raw agricultural commodities which are the produce of the soil.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*
3 That section 403 of the Federal Food, Drug, and Cosmetic
4 Act (21 U.S.C. 343) is amended—

5 (1) by adding at the end of paragraph (k) thereof
6 the following sentence: “The provisions of this para-
7 graph with respect to chemical preservatives shall not
8 apply to a pesticide chemical when used in or on a raw

1 agricultural commodity which is the produce of the
2 soil.”;

3 (2) by adding at the end of such section the follow-
4 ing new paragraph:

5 “(1) If it is a raw agricultural commodity which is the
6 produce of the soil, bearing or containing a pesticide chemical
7 applied after harvest, unless the shipping container of such
8 commodity bears labeling which declares the presence of
9 such chemical in or on such commodity and the common or
10 usual name and the function of such chemical: *Provided,*
11 *however,* That no such declaration shall be required while
12 such commodity, having been removed from the shipping
13 container, is being held or displayed for sale at retail out of
14 such container in accordance with the custom of the trade.”

15 SEC. 2. Nothing in the amendments made by the first
16 section of this Act shall affect any requirement of the laws
17 of any State or Territory.

86TH CONGRESS
2D Session

H. R. 7480

[Report No. 1468]

A BILL

To amend the Federal Food, Drug, and Cosmetic Act, with respect to label declaration of the use of pesticide chemicals on raw agricultural commodities which are the produce of the soil.

By Mr. TULMAN

JUNE 1, 1959

Referred to the Committee on Interstate and Foreign
Commerce

APRIL 11, 1960

Committed to the Committee of the Whole House on
the State of the Union and ordered to be printed

Digest of CONGRESSIONAL PROCEEDINGS

OF INTEREST TO THE DEPARTMENT OF AGRICULTURE

OFFICE OF
BUDGET AND FINANCE

(For Department
Staff Only)

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HIGHLIGHTS: House agreed to conference report on special milk bill. House debated independent offices appropriation bill.

HOUSE

1. SPECIAL MILK PROGRAM. Agreed to the conference report on H. R. 9331, the special milk bill (p. 7622). This bill will now be sent to the President. See Digest 69 for a summary of the provisions of the bill as agreed to by both Houses.
2. INDEPENDENT OFFICES APPROPRIATION BILL, 1961. Began debate on this bill, H. R. 11776 (pp. 7626-63). See Digest 70 for items of interest to this Department.
3. PERSONNEL; AGRICULTURAL ATTACHES. Passed over, at the request of Rep. Gross, H. R. 8074, to permit the assignment of agricultural attaches to positions in the U. S. for a maximum of 4 years without reduction in grade. p. 7610
4. FOOD ADDITIVES. ~~Passed as reported H. R. 7847, to make the judicial review provisions of the Federal Aviation Act of 1958 and the Food Additives Amendment of 1958 subject to the uniform provisions of Public Law 85-791 relating to court review of Government agency orders. p. 7612~~
Passed over, at the request of Rep. McFall, H. R. 7480, to amend the Federal Food, Drug, and Cosmetic Act so as to provide that the term "chemical

preservatives" shall not apply to a pesticide chemical when used in or on a raw agricultural commodity produced from the soil, and to require that shipping containers for raw agricultural commodities be labeled to indicate by name or function the presence of any pesticide chemical that had been applied after harvest. p. 7615

5. PROPERTY. Passed without amendment H. R. 9983, to extend for two years the period for which payments in lieu of taxes may be made with respect to certain real property transferred by the Reconstruction Finance Corporation and its subsidiaries to other Government departments. p. 7612
6. REPORTS. Passed as reported S. 899, to provide for the discontinuance of certain reports now required by law to be submitted to Congress, including several reports of this Department. pp. 7612-5
7. POSTAL SERVICE. Passed without amendment H. R. 10996, to authorize the use of certified mail for the transmission or service of matter required by certain Federal laws to be transmitted or served by registered mail. pp. 7619-20
8. LANDS; FORESTRY. The Agriculture Committee reported with amendment H. R. 981, to provide for the conveyance of a tract of forest land to Florida (H. Rept. 1522). p. 7708
9. MINERALS; LANDS. The Agriculture Committee reported without amendment H. R. 8740, to provide for the leasing of oil and gas interests in certain U. S. lands in Texas (H. Rept. 1523). p. 7708
10. ATOMIC ENERGY; ELECTRIFICATION. The Joint Atomic Energy Committee reported without amendment H. R. 11713, to authorize appropriations for the Atomic Energy Commission, including reactor development, biology and medicine, co-operative power reactor demonstration program, and design and engineering studies for food irradiation and power reactor of steam-cooler type (H. Rept. 1525). p. 7708

SENATE

11. GRAPES AND PLUMS. The Interstate and Foreign Commerce Committee reported with amendments S. 1857, to establish minimum quality requirements for exported grapes and plums (S. Rept. 1274). p. 7538
12. ATOMIC ENERGY. The Joint Committee on Atomic Energy reported an original bill, S. 3387, to authorize appropriations for the Atomic Energy Commission (S. Rept. 1277). p. 7538
13. WILDLIFE. The Interstate and Foreign Commerce Committee voted to report (but did not actually report) S. 1781, to provide for cooperative unit programs of research, education, and demonstration of fish and wildlife resources between the Federal Government, colleges and universities, the States and Territories, and private organizations. p. D316
Sen. Bartlett criticized the Secretary of the Interior for issuing regulations relating to fishing in Alaska which he could not have issued "prior to statehood" and which the Senator feels are discriminatory. pp. 7565-71
14. INTEREST RATE. Sen. Symington inserted an article dealing with the political implications in the success of the Treasury to sell a recent bond issue at below the interest-rate ceiling on long-term Government securities. p. 7557

"(16) The last sentence of section 10 of the Act of June 18, 1934 (48 Stat. 986; 25 U.S.C. 470), providing for an annual report to Congress of transactions involving loans to Indians, which reads as follows: 'A report shall be made annually to Congress of transactions under this authorization.'

"(17) Section 3 of the Act of December 18, 1942 (56 Stat. 1057; 30 U.S.C. 15), providing for the establishment of a research laboratory for the utilization of anthracite coal, which reads as follows:

"SEC. 3. The Secretary, acting through the United States Bureau of Mines, shall make a report to Congress at the beginning of each regular session of the activities of, expenditures by, and donations to, the laboratory established under this Act."

"(18) Section 2 of the Act entitled 'An Act to authorize appropriations for the Bureau of Reclamation for payments to school districts on certain projects during their construction status', approved June 29, 1948 (62 Stat. 1108; 43 U.S.C. 385b), which reads as follows:

"SEC. 2. The Secretary of the Interior shall furnish to the Congress each year, on or before the 3d day of January, a report on all activities undertaken during the preceding fiscal year pursuant to the provisions of this Act, together with such recommendations with respect to problems relating to it as he shall think appropriate."

"(19) Section 6 of the Act of October 26, 1949, as amended (63 Stat. 929; 16 U.S.C. 468e), establishing the National Trust for Historic Preservation in the United States, which reads as follows:

"SEC. 6. The National Trust shall, on or before the 1st day of March in each year, transmit to Congress a report of its proceedings and activities for the preceding calendar year, including the full and complete statement of its receipts and expenditures."

"(20) Section 3 of the Act entitled 'An Act to authorize the Secretary of Agriculture to cooperate with the Government of Mexico in the control and eradication of foot-and-mouth disease and rinderpest', approved February 28, 1947, as amended (61 Stat. 8; 21 U.S.C. 114d), which reads as follows:

"SEC. 3. Thirty days after the enactment of this Act, and every thirty days thereafter, the Secretary of Agriculture shall make a report to the Congress with respect to the activities carried on under this Act."

"(21) Section 7 of the Act of May 8, 1914, as amended (67 Stat. 85; 7 U.S.C. 347), relating to annual reports to Congress with respect to agricultural extension work, which reads as follows:

"SEC. 7. The Secretary of Agriculture shall make an annual report to Congress of the receipts, expenditures, and results of the cooperative agricultural extension work in all of the States, Territories, or possessions receiving the benefits of this Act, and also whether the appropriation of any State, Territory, or possession has been withheld, and, if so, the reason therefor."

"(22) The last paragraph of section 7 of the Act of March 2, 1887, as amended (69 Stat. 674; 7 U.S.C. 361g), relating to annual reports to Congress with respect to the work of agricultural experiment stations, which reads as follows:

"The Secretary of Agriculture shall make an annual report to the Congress during the first regular session of each year of the receipts and expenditures and work of the agricultural experiment stations in all the States under the provisions of this Act and also whether any portion of the appropriation available for allotment to any State has been withheld and if so the reasons therefor."

"(23) The first sentence of section 3 of the Act of June 15, 1936 (49 Stat. 1506; 36 U.S.C.

139b), establishing The National Yeomen F, which reads: 'That said organization shall report annually to the Secretary of the Smithsonian Institution concerning its proceedings, and said Secretary shall communicate to Congress such portions thereof as he may deem of national interest and importance.'

"(24) Subparagraph (3) of section 4(k) of the Communications Act of 1934, as amended (66 Stat. 712; 47 U.S.C. 154(k)(3)), which reads as follows:

"(3) information with respect to all persons taken into the employment of the Commission during the year covered by the report, including names, pertinent biographical data and experience, Commission positions held and compensation paid, together with the names of those persons who have left the employ of the Commission during such year: *Provided*, That the first annual report following the date of enactment of the Communications Act Amendments, 1952, shall contain such information with respect to all persons in the employ of the Commission at the close of the year for which the report is made;"

"(25) That part of paragraph (2) of subsection (a) of the first section of the Act of July 25, 1956 (70 Stat. 648; 31 U.S.C. 701(a)(2)), relating to the simplification of Government accounting and the facilitation of the payment of Government obligations, which reads: '*Provided further*, That prior thereto the head of the agency concerned shall make such report with respect to each such restoration as the Director of the Bureau of the Budget may require, and shall submit such report to the Director, the Comptroller General, the Speaker of the House of Representatives, and the President of the Senate'"

The committee amendment was agreed to.

The bill was ordered to be read a third time, was read the third time, and passed.

The title of the bill was amended to read: "An act to repeal certain provisions of law requiring the submission of certain reports to Congress, and for other purposes."

A motion to reconsider was laid on the table.

AMENDING SECTION 403 OF THE FEDERAL FOOD, DRUG, AND COSMETIC ACT

The Clerk called the bill (H.R. 7480) to amend the Federal Food, Drug, and Cosmetic Act, with respect to label declaration of the use of pesticide chemicals on raw agricultural commodities which are the produce of the soil.

Mr. McFALL. Mr. Speaker, at the request of a Member who cannot be present, I ask unanimous consent that this bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from California?

There was no objection.

ROTATION OF CIVILIAN EMPLOYEES OF THE DEFENSE ESTABLISHMENT

The Clerk called the bill (H.R. 10695) to provide for the rotation in oversea assignments of civilian employees under the Defense Establishment having career-conditional and career appointments in the competitive civil service, and for other purposes.

There being no objection, the Clerk read the bill, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That chapter 81 of title 10 of the United States Code is amended by adding at the end thereof the following new section:

"§ 1586. Rotation of career-conditional and career employees assigned to duty outside the United States

"(a) In order to advance the programs and activities of the Defense Establishment, it is hereby declared to be the policy of the Congress to facilitate the interchange of civilian employees of the Defense Establishment between posts of duty in the United States and posts of duty outside the United States through the establishment and operation of programs for the rotation, to the extent consistent with the missions of the Defense Establishment and sound principles of administration, of such employees who are assigned to duty outside the United States.

"(b) Notwithstanding any other provision of law, the Secretary of Defense with respect to civilian employees of the Department of Defense other than employees of a military department, and the Secretary of each military department with respect to civilian employees of such military department, may, under such regulations as each such Secretary may prescribe with respect to the employees concerned and in accordance with the policy and other provisions of this section, establish and operate programs of rotation which provide for the granting of the right to return to a position in the United States to each civilian employee in the department concerned—

"(1) who, while serving under a career-conditional or career appointment in the competitive civil service, is assigned at the request of the department concerned to duty outside the United States,

"(2) who satisfactorily completes such duty, and

"(3) who applies, not later than thirty days after after his completion of such duty, for the right to return to a position in the United States as provided by subsection (c) of this section.

The Secretary of the department concerned may provide by regulation for the waiver of the provisions of paragraphs (2) and (3) of this subsection, or of either of such paragraphs, in those cases in which the application of such paragraphs, or either of them, would be against equity and good conscience or against the public interest.

"(c) The right to return to a position in the United States granted under this section shall be without reduction in the seniority, status, and tenure held by the employee immediately before his assignment to duty outside the United States and the employee shall be placed, not later than thirty days after the date on which he is determined to be immediately available to exercise such right, in accordance with the following provisions:

"(1) The employee shall be placed in the position which he held immediately before his assignment to duty outside the United States, if such position exists.

"(2) If such position does not exist, or with his consent, the employee shall be placed in a vacant existing position, or in a new continuing position, for which he is qualified, available for the purposes of this section in the department concerned, in the same geographical areas, with rights and benefits equal to the rights and benefits of, and in a grade equal to the grade of, the position which he held immediately before his assignment to duty outside the United States.

"(3) If the positions described in paragraph (1) and paragraph (2) of this subsection do not exist, the employee shall be placed in an additional position which shall

be established by the department concerned for a period not in excess of ninety days in order to carry out the purposes of this section. Such additional position shall be in the same geographical area as, with rights and benefits not less than the rights and benefits of, and in a grade not lower than the grade of, the position held by the employee immediately before his assignment to duty outside the United States.

"(4) If, within ninety days after his placement in a position under paragraph (3) of this subsection, a vacant existing position or new continuing position, for which the employee is qualified, is available for the purposes of this section in the department concerned, in the same geographical area as, with rights and benefits equal to the rights and benefits of, and in a grade equal to the grade of, the position which he held immediately before his assignment to duty outside the United States, the employee shall be placed in such vacant existing position or new continuing position.

"(5) If, within the ninety-day period referred to in paragraphs (3) and (4) of this subsection, the employee cannot be placed in a position under such paragraph (4), he shall be reassigned or separated under the regulations prescribed by the United States Civil Service Commission to carry out section 12 of the Act of June 27, 1944 (5 U.S.C. 861).

"(6) If there is a termination of or material change in the activity in which the former position of the employee (referred to in paragraph (1) of this subsection) was located, he shall be placed, in the manner provided by paragraphs (2), (3), and (4), as applicable, of this subsection, in a position in the department concerned in a geographical area other than the geographical area in which such former position was located.

"(d) Each employee who is placed in a position under paragraph (1), (2), (3), (4), or (6) of subsection (c) of this section shall be paid at a rate of basic compensation which is not less than the rate of basic compensation to which he would have been entitled if he had not been assigned to duty outside the United States.

"(e)(1) Each employee who is displaced from a position by reason of the exercise of a return right under subsection (c)(1) of this section shall be placed, as of the date of such displacement, without reduction in seniority, status, and tenure, in a vacant existing position or new continuing position, for which he is qualified, available in the department concerned, in the same geographical area as, with rights and benefits equal to the rights and benefits of, in a grade equal to the grade of, and at a rate of basic compensation not less than the last rate of basic compensation to which he was entitled while in, the position from which he is displaced.

"(2) If the employee cannot be placed in a position under paragraph (1) of this subsection, he shall be reassigned to a position other than the position from which he is displaced, or separated, under the regulations prescribed by the United States Civil Service Commission to carry out section 12 of the Act of June 27, 1944 (5 U.S.C. 861).

"(f) The President may, upon his determination that such action is necessary in the national interest, declare that, for such period as he may specify, an assignment of an employee to duty in Alaska or Hawaii shall be held and considered, for the purposes of this section, to be an assignment to duty outside the United States.

"(g) For the purposes of this section—

"(1) 'rotation' means the assignment of civilian employees referred to in subsection (b) of this section to duty outside the United States and the return of such employees to duty within the United States; and

"(2) 'grade' means, as applicable, a grade of the compensation schedule for the Gen-

eral Schedule of the Classification Act of 1949, as amended, or a grade or level of the appropriate prevailing rate schedule."

SEC. 2. The analysis of chapter 81 of title 10 of the United States Code is amended by adding at the end thereof the following new item:

"1586. Rotation of career-conditional and career employees assigned to duty outside the United States."

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

KEWEENAW BAY INDIAN TRIBE (MICHIGAN)

The Clerk called the bill (S. 2804) to donate to the Keweenaw Bay Indian Tribe, L'Anse Reservation of Michigan, a certain tract of Federal land with improvements located thereon.

There being no objection, the Clerk read the bill, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That all of the right, title, and interest of the United States in the land described below, together with the buildings and improvements thereon, is hereby declared to be held in trust for the Keweenaw Bay Indian Tribe, L'Anse Reservation, Michigan: A tract of land in the northeast quarter southeast quarter of section 28, township 51 north, range 33 west, Michigan meridian, more particularly described as follows: Beginning at the quarter post between sections 27 and 28 thence west on quarter line a distance of 33 feet as the place of beginning; thence west on quarter line a distance of 100 feet; thence south 150 feet; thence east 100 feet; thence north a distance of 150 feet to the place of beginning, containing 15,000 square feet, or 0.34 acres more or less.

The bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

MUCKLESHOOT INDIAN TRIBE (WASHINGTON)

The Clerk called the bill (S. 2877) to authorize the reconveyance of tribally owned lands by the Muckleshoot Indian Tribe of the State of Washington to the original allottees, their heirs, devisees, or assigns.

There being no objection, the Clerk read the bill, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, notwithstanding the provisions of the constitution, bylaws, and corporate charter of the Muckleshoot Indian Tribe of the Muckleshoot Reservation, Washington, the Tribal Council of the Muckleshoot Indian Tribe may, with the approval of the Secretary of the Interior, reconvey to the former owners or their heirs or devisees all of the right, title, and interest which the tribe and the United States acquired in restricted allotted lands in exchange for assignments of tribal lands. Each such conveyance shall have the same force and effect as the patent issued to the original allottee.

The bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

WIND RIVER INDIAN RESERVATION, WYO.

The Clerk called the bill (H.R. 5876) to place in trust status certain lands on the Wind River Indian Reservation in Wyoming.

There being no objection, the Clerk read the bill, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That all the right, title, and interest in and to the south half of the southwest quarter of the southwest quarter of the northwest quarter of section 28, township 1 north, range 1 east, Wind River meridian, containing 5 acres, more or less, shall hereafter be held by the United States in trust for the benefit of the Shoshone and Arapahoe Tribes of the Wind River Indian Reservation, Wyoming.

With the following committee amendment:

Strike out all after the enacting clause and insert in lieu thereof the following: "That all the right, title, and interest of the United States in and to the following-described tracts of land on the Wind River Indian Reservation in Wyoming shall hereafter be held in trust by the United States for the benefit of the Shoshone and Arapahoe Tribes of said reservation:

"SECTION 28, TOWNSHIP 1 NORTH, RANGE 1 EAST, WIND RIVER MERIDIAN

"(1) South half, southwest quarter, southwest quarter, northwest quarter, comprising 5.0 acres more or less.

"SECTION 32, TOWNSHIP 5 NORTH, RANGE 4 WEST, WIND RIVER MERIDIAN

"(2) Beginning at a point 553.8 feet south of the corner of sections 29, 30, 31, and 32; said point being corner numbered 1; thence south 106.2 feet to corner numbered 2 which is identical with the southwest corner of northwest quarter northwest quarter northwest quarter, section 32; thence east 200 feet to corner numbered 3, thence north 106.2 feet to corner numbered 4; thence west 200 feet to corner numbered 1 and place of beginning, comprising 0.487 acres.

"(3) Beginning at a point 118.2 feet south of the corner of sections 29, 30, 31, and 32; said point being corner numbered 1; thence south 435.6 feet to corner numbered 2; thence east 200 feet to corner numbered 3, thence north 435.6 feet to corner numbered 4; thence west 200 feet to point of beginning, or described as a 2-acre tract in the northwest quarter northwest quarter, section 32.

"(4) West half southwest quarter northwest quarter northwest quarter, section 32, comprising 5.0 acres."

The committee amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

Mr. ASPINALL. Mr. Speaker, I ask unanimous consent for the immediate consideration of the bill, S. 1751, to place in trust status certain lands on the Wind River Indian Reservation in Wyoming.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the request of the gentleman from Colorado?

There being no objection, the Clerk read the bill, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That all the right, title, and interest in and to the following described lands on the Wind River Reservation in Wyoming, shall hereafter be

Digest of CONGRESSIONAL PROCEEDINGS

OF INTEREST TO THE DEPARTMENT OF AGRICULTURE

OFFICE OF
BUDGET AND FINANCE

(For Department
Staff Only)

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For actions of May 2, 1960
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HIGHLIGHTS: Senate committee reported Ellender wheat bill. Senate passed mutual security authorization bill. House committee reported (Apr. 29) Defense Department appropriation bill. House committee reported bill to revise Farmers Home Administration laws. Several Representatives urged passage of depressed areas bill. Reps. Andersen and Jensen introduced and Rep. Andersen discussed farm program bills.

SENATE

1. MUTUAL SECURITY; FOREIGN AID. By 60 yeas to 25 nays, passed H. R. 11510, Mutual Security Act of 1960, after substituting for its text the language of S. 3058, which had first been amended by adoption of a committee amendment (in the nature of a substitute), as amended (pp. 8370-1, 8376-420). Prior to this action, the following actions had been taken on amendments to the committee substitute amendment: Agreed to, by 45 yeas to 38 nays, a modified Ellender amendment to eliminate language which would amend Public Law 480 with reference to use of foreign currencies and use of surplus agricultural commodities in aiding needy peoples, and promoting economic development of underdeveloped areas (pp. 8383-88). Rejected, by 40 yeas to 45 nays, the Gruening amendment to require non-military flood control and other land resource projects abroad to conform to certain Budget Bureau standards (pp. 8376-8); by 28 yeas to 57 nays, Ellender amendment to eliminate language that would authorize certain repayments by foreign countries in the form of commodities (pp. 8389-91); and the Fulbright amendment providing that in giving effect to the principles that the U. S. favors freedom of navigation in international waterways and economic cooperation

between nations, the President should not normally apply them to a situation wherein nations receiving aid under the Mutual Security Act or Public Law 480 are engaged in actions detrimental to peace and application of the principles would constitute partiality in the dispute (pp. 8414-17). Conferees were appointed (p. 8420).

Both Houses received from the President the seventeenth semiannual report on the operations of the mutual security program for the period ending December 31, 1959 (H. Doc. 373). p. 8343, 8434

2. RETIREMENT. ^{The Post Office and Civil Service Committee} reported with amendment S. 2857, to amend the Civil Service Retirement Act so as to provide for refunds of contributions in the case of annuitants whose length of service exceeds the amount necessary to provide the maximum annuity allowable under such act (S. Rept. 1302). p. 8344
3. WHEAT. ^{The Agriculture and Forestry} reported with amendment S. 2759, to strengthen the wheat marketing quota and price support program (S. Rept. 1306). p. 8345
4. EXPENDITURES. Sen. Byrd submitted a Joint Committee on Reduction of Non-essential Federal Expenditures report on Federal employment and pay for the month of March, 1960, together with his statement on employment in the executive agencies by months in fiscal year 1960. pp. 8345-8
5. SALINE WATER. The names of Sens. Wiley, Kuchel, and Allott were added as co-sponsors of S. 3446, to amend the act of July 3, 1952, as amended relating to research and development and utilization of saline water. p. 8352
6. AIR POLLUTION. Sen. Clark commented on a Public Health Service scientist report on air pollution, inserted a newspaper article relative to cancer agents found in city air, and urged favorable consideration of S. 3108, a bill to extend the Federal air pollution control law. pp. 8364-5
7. FOOD ADDITIVES. Sen. Morse inserted a magazine article which he described as an effective presentation of the position taken by farmers who resent being "the whipping boy of politicians, metropolitan newspapers, and nationally circulated magazines," and stated that an early release of the Science Advisory Committee's report on the effects of food additives and residuals will be welcomed. pp. 8421-2

HOUSE

8. APPROPRIATIONS. The Appropriations Committee reported without amendment (on Fri., Apr. 29) H. R. 11998, the Defense Department appropriation bill for 1961 (H. Rept. 1561). p. 8503
9. INTERIOR AND RELATED AGENCIES APPROPRIATION BILL, 1961. Disagreed to the Senate amendments to this bill H. R. 10401; conferees were appointed. p. 8433
Senate conferees have been appointed.
10. PERSONNEL; ATTACHES. Passed over, at the request of Rep. Gross, H. R. 8074, to permit the assignment of agricultural attaches to positions in the U. S. for a maximum of 4 years without reduction in grade. p. 8436
11. PESTICIDES. Passed over, at the request of Rep. Aspinall, H. R. 7480, to amend the Federal Food, Drug, and Cosmetic Act so as to provide that the term "chemical preservatives" shall not apply to a pesticide chemical when used in or on a raw agricultural commodity produced from the soil, and to require that

shipping containers for raw agricultural commodities be labeled to indicate by name or function the presence of any pesticide chemical that had been applied after harvest. p. 8436

12. LANDS. Passed as reported H. R. 9818, to provide for the conveyance of certain real property of the U. S. to the State of Florida. p. 8437

13. MINERALS. Passed without amendment H. R. 3740, to provide for the leasing of oil and gas interests in certain lands owned by the U. S. in the State of Texas. p. 8437

The Subcommittee on Mines and Mining of the Interior and Insular Affairs Committee voted to report H. R. 8860, to stabilize the mining of lead and zinc by small domestic producers on public, Indian and other lands. (p. D363) This Subcommittee also considered but passed over H. R. 4876 and a similar bill H. R. 3965, to amend section 30 (a) of the Mineral Leasing Act of Feb. 25, 1920, to prevent the undesirable division of oil and gas leaseholds, and H. R. 982, to amend the act of Dec. 22, 1928, relating to the issuance of patents to tracts of public land held under color of title, to provide that patents may be issued under such Act without reservation of minerals. p. D363

14. WATER RESOURCES. Passed with amendment S. 1605 in lieu of H. R. 10513, granting the consent of Congress to the States of Kansas and Nebraska to negotiate and enter into a compact relating to the apportionment of the waters of the Big Blue River and its tributaries as they affect such States. pp. 8442-4

15. FARM LOANS. The Agriculture Committee reported with amendment H. R. 11761, to simplify, consolidate, and improve the authority of the Secretary of Agriculture with respect to loans to farmers and ranchers (H. Rept. 1569). p. 8503

16. HAWAII. The Interior and Insular Affairs Committee reported without amendment H. R. 11602, to amend certain laws of the U. S. in light of the admission of the State of Hawaii into the Union (H. Rept. 1564). p. 8503

17. DEPRESSED AREAS. Rep. Widnall inserted "an up-to-date tabulation of industrial areas which presently would be eligible for Federal assistance under the criteria of the depressed areas bill (S. 722) as reported by the committee." pp. 8469-71

Several Representatives discussed and urged support for S. 722, the area redevelopment bill which contains provisions for rural development areas. pp. 8479-92

18. PERSONNEL. Rep. Dingell urged support for his bill H. R. 11590, to raise the pay of postal and classified Federal employees. p. 8471

19. FARM PROGRAM; INTEREST RATES. Rep. Patman commended and discussed a speech made by former President Truman criticizing the administration's farm program and interest rate policy. pp. 8474-6

20. DEFENSE PRODUCTION. Received from OCDM a proposed bill to extend the Defense Production Act of 1960; to Banking and Currency Committee. p. 8503

ITEMS IN APPENDIX

21. WATERSHED. Extension of remarks of Rep. Trimble inserting an article, "Arkansas Watershed Project Wins National Award." pp. A3695-7

22. FOREIGN TRADE. Extension of remarks of Sen. Wiley stating that "for the economic health of farms, business, industry, labor, and others, as well as the Nation itself -- now experiencing a decline in exports -- however, a realistic effort must be made to expand exports," and inserting an article on this subject. pp. A3697-8
23. MILK SANITATION. Extension of remarks of Rep. Marshall commending the House Interstate and Foreign Commerce Committee for holding hearings on the proposed National Milk Sanitation Act and inserting an article, "Milk Fight Advances." p. A3702
24. GRAZING FEES. Extension of remarks of Rep. Aspinall inserting extracts from a report of the Comptroller General and portions of an exchange of correspondence from "which there has been generated an interdepartmental study of inconsistencies in grazing fees on Federal lands." p. A3703
25. FARM LABOR. Extension of remarks of Rep. Gubser expressing his belief that the importation of foreign labor does not take jobs away from our own people and stating that each week a local paper prints a news story "which clearly shows that this argument is false." p. A3716
26. TOBACCO. Rep. Lankford inserted an article describing the "value of tobacco as a morale booster to fighting men and civilian workers alike." p. A3731
27. FARM INCOME. Extension of remarks of Rep. Coad discussing ads which have appeared in certain newspapers comparing the average gross farm family income with the average net family income and inserting an editorial which "clarified the impact of the headlines in this ad upon the casual reader by explaining the reason for the comparison of gross and net incomes." pp. A3733-4

BILLS INTRODUCED

28. FARM PROGRAM. S. 3464, by Sen. Young, N. Dak., to provide equitable treatment for partnerships in the application of any limitations on any farm program; to Agriculture and Forestry Committee.
- H. R. 12000, by Rep. Andersen, Minn., and H. R. 12001, by Rep. Jensen, to authorize a program of balanced agricultural production, to assure producers a fair economic return and consumers an adequate supply of commodities at fair prices, to conserve soil, water, and wildlife resources; to Agriculture Committee. Remarks of Rep. Andersen. pp. 8497-9
- H. R. 12005, by Rep. Flynn, to balance domestic supplies of, and domestic demand for, agricultural commodities, and to prevent the loss of soil, farm labor, and farm capital resources, by providing for the withdrawal of up to 80 million acres from agricultural production; to Agriculture Committee.
- H. R. 12006, by Rep. Flynn, to reduce domestic supplies of agricultural commodities and to make land available of educational, rehabilitational, health, or recreational purposes by withdrawal by purchase of agricultural land; to Agriculture Committee.
- H. R. 12013, by Rep. Gubser, to provide for the termination of programs of price support for agricultural commodities by December 31, 1965; to Agriculture Committee.
29. ROADS. H. R. 11999, by Rep. Albert, H. R. 12002, by Rep. Belcher, H. R. 12012, by Rep. Edmondson, H. R. 12015, by Rep. Morris, Okla., and H. R. 12016, by Rep. Steed, to amend title 23 of the United States Code, relating to highways with respect to certain projects constructed on the Federal-aid system by Federal agencies; to Public Works Committee.

complete assurance of his position on any matter and for a guarantee that he will fulfill any agreement in which he may be a party.

His work in the Congress has been honorable and effective through 24 years. It has been of immeasurable value to his beloved home city of Chicago, to the State of Illinois, and to the Nation.

In addition to the high regard I have for TOM O'BRIEN as a colleague in the House, I have a strong admiration for him on a personal basis, as a friendly counselor and as a close and loyal friend upon whom I can lean for advice when the occasion arises. In this latter feeling I know I am not alone. Everyone who really knows TOM O'BRIEN must have the same feeling.

Happy birthday, TOM. Sincere good wishes to you and your lovely and most charming partner, Mrs. O'Brien.

Mr. RAYBURN. Mr. Speaker, I am happy to take this time to congratulate my longtime friend TOM O'BRIEN on the occasion of his birthday.

He is one of the grandest men I have ever known, either inside or outside this body. We need men that have his qualities of leadership and character. He has served with marked distinction and devotion to his duties on the great Committee on Ways and Means.

It is my wish that he and his lovely wife may live many, many years and have the same happy and beautiful life together as they have had in the past.

Mr. MILLS. Mr. Speaker, I am pleased to join the many colleagues and friends of our beloved THOMAS J. O'BRIEN in extending best wishes to him on the occasion of the commemoration of his 82d birthday.

Few individuals are blessed with the eminent qualities with which THOMAS J. O'BRIEN is so abundantly endowed. It is indeed fortunate for his friends, his district, and his Nation that he has been blessed with this long life of useful and beneficial service. We all look forward with confidence that he will continue to counsel and guide us for many years to come.

It would indeed be redundant for me to repeat here the many outstanding virtues of THOMAS J. O'BRIEN. His loyalty, his integrity, his ability, his sincerity, his courage, and the strong bonds of the many friendships which he has made are all well known by everyone who has had the privilege of coming in contact with him.

On yesterday I had the privilege of attending the birthday party given in honor of TOM O'BRIEN. I have never seen a birthday party of this size. The several hundred people who attended were visible proof of the high esteem all have for TOM O'BRIEN.

I also want to extend to TOM O'BRIEN's lovely and gracious wife my best wishes. This is one of those happy and touching marriages that is an inspiration to all who know this charming couple.

Mr. BOLAND. Mr. Speaker, I rise today to pay a well-deserved tribute to a highly respected Member of this body, Congressman TOM O'BRIEN. His brilliant record in public life speaks for itself.

From sheriff of Cook County to the leader of the Illinois delegation, TOM has made many true friends. As he said himself, "I have many real good friends and the only enemies that I have are those that I wanted to have." Your friendship, TOM, is one that I have truly treasured.

To you, TOM, and to your wonderful wife, I wish all the possible success in this world. May you continue to be blessed with good health and real happiness in the years ahead.

Happy birthday, TOM.

Mr. IRWIN. Mr. Speaker, I would like to join with my colleagues at this time in wishing many years of health and happiness to the Honorable THOMAS J. O'BRIEN, who recently celebrated a birthday anniversary, and to Mrs. O'Brien, and to express appreciation on behalf of younger Members of the Congress such as myself for Mr. O'BRIEN's awareness of and interest in the problems confronting us and for his thoughtful helpfulness, particularly to those of us serving our first term in the Congress.

Mr. THORNBERRY. Mr. Speaker, I want to join in wishing to our distinguished colleague a happy birthday. I do not know of anyone who is more widely beloved, admired, and respected than our friend and colleague from Illinois. He is a wonderful gentleman and I am grateful for the privilege of knowing him as a friend and a colleague.

Mr. YATES. Mr. Speaker, I want to join with the distinguished majority leader in paying tribute to our good friend Congressman THOMAS J. O'BRIEN, of Chicago, upon the occasion of his 82d birthday.

One of the joys of my legislative career is the opportunity it has afforded to know TOM and to work with him. I have come to know him very well and to treasure the very close friendship that has grown between us. I know I express the sentiments of the people of Chicago when I extend congratulations to him for the wonderful job he is doing for our community and for the Nation. May he enjoy good health for many years to come so that he may continue to serve the people as ably in the future as he has in the past.

Mr. MURPHY. Mr. Speaker, it is a pleasure to join my colleagues today in paying tribute to the Honorable THOMAS J. O'BRIEN, dean of the Democratic delegation from the State of Illinois, on the occasion of his 82d birthday.

It has been my privilege to know Mr. O'BRIEN for the past 40 years. He was also a close personal friend and neighbor for many years of Mrs. Murphy's family, the McInerneys, where they lived on the West Side of Chicago.

Mr. O'BRIEN has been in public office for over 50 years, having served his city, county, State, and country in many different capacities.

He has the respect and friendship of his colleagues on both sides of the aisle. This was demonstrated when the House and Senate passed unanimous resolutions designating the lock and dam on the Calumet River, an integral part of the Sag Channel project, the Thomas

J. O'Brien lock and dam. This honor had been bestowed upon only two men during their lives—President Hoover and Senator Norris.

I am very happy to have this opportunity to extend birthday greetings to our distinguished colleague, and to wish him many more years of continued good health and contentment.

Mr. O'HARA of Illinois. Mr. Speaker, in November of 1906, in the administration of President Theodore Roosevelt, a young man destined to place of highest stature in the history of Chicago, of Illinois, and of the Nation was elected to the State Legislature of Illinois.

That was the year of the San Francisco earthquake, the year that for the first time a delegate was elected to the Congress from the Territory of Alaska, the year of the opening of a cable between Japan and the United States, the year of the reaching of the North Pole by Admiral Peary, and the year that for the first time in the history of our Republic a President of the United States had departed from the territory of the United States to visit foreign soil.

It is especially interesting to note that 1906, when the young, popular and dynamic THOMAS J. O'BRIEN first was elected to the general assembly of his native State, was the year the Supreme Court of the United States handed down the historic finding in the case of Missouri against Illinois that Missouri had not proved that the discharge of Chicago sewage through the drainage canal deleteriously affected the water supply of St. Louis taken from the Mississippi River.

The lock and dam in the Cal-Sag development named in honor of THOMAS J. O'BRIEN is a monument to his half a century of leadership in the fight for the inland waterways and Lake Michigan water diversion so vital to the people of Chicago and the Middle West. It is indeed of significant interest that the Missouri-Illinois decision was handed down the year young TOM O'BRIEN first was elected to the legislature.

From 1906 to 1960 is not the full span of the remarkable and outstanding political career of the beloved dean of our delegation, a career that has had few equals in American history. At 20 he was a constable in the city of Chicago, and the tradition is that although he was the youngest he also was the most determined and dedicated in demanding compliance with and respect for the constable's authority.

As State bank examiner he made a record never before or since equaled, and if the full story were written of the 4 years he was sheriff of Cook County, of his nightly raids in person, unannounced and never mentioned in the newspapers, when reports reached him of vice spots that were open despite his orders, the book would be the best seller of the year. When large amounts were owed Cook County in taxes on personal property that the big taxpayers boldly ignored Sheriff TOM took matters in hand personally, himself served the attachments, and in 2 days collected millions of dollars in taxes that no one before TOM O'BRIEN could get paid.

Mr. Speaker, we of the Illinois Democratic delegation are richly blessed with having as our dean the beloved Tom O'BRIEN. There never again will be his like. His named is implanted in the hearts of the men, women and children of Chicago, the hearts alike of the lowly and of the mighty, as it is in the hearts of his colleagues in the Congress. And always Mrs. O'Brien and Tom are joined together in the thoughts and the hearts of the people of Chicago as they are among his colleagues here, who have daily evidence of their mutual devotion and perfect partnership in the living together of full and happy days and the doing of good deeds.

As a member of the Illinois delegation, and one who looks back on over half a century of precious friendship with our beloved dean, I join in expression of appreciation to our great majority leader for his warm and affectionate remarks on the birthday celebration of Tom O'BRIEN.

Mr. PUCINSKI. Mr. Speaker, it gives me great pleasure to join the distinguished majority leader of the House, Mr. McCORMACK, in paying tribute today to the Dean of the Illinois Delegation, Congressman O'BRIEN, on his 82d birthday.

Illinois has sent great leaders to this House of Representatives going back to the very birth of our Nation. Among those we list with pride are Abraham Lincoln, Hamilton Lewis and Speaker of the House Joseph G. Cannon. History, I am sure, will record with the same degree of pride the contributions toward the development of our great State and our Nation written over the years by the distinguished member we are honoring today, the Honorable THOMAS J. O'BRIEN, dean of the Illinois delegation, who has served in this House for almost a quarter of a century.

It would be difficult indeed to fully appraise his great contribution to our Nation during the most hectic period of its development. We can only say with pride that every measure which has come before this House since those dark days of 1932—when America was on the verge of economic collapse—every measure which helped America regain its position of strength and progress—has had the support of Mr. O'BRIEN. Not once during his illustrious career of service in this national body has Tom O'BRIEN wavered in his determination to make ours the greatest Nation in the world.

We of Illinois—and those of us serving in this House from all over America—can find great inspiration in Mr. O'BRIEN's deep understanding of our legislative process. During the past quarter of a century, he has given living meaning to our democratic process. In his quiet, unassuming way, Tom O'BRIEN has made an indelible imprint on every piece of progressive legislation which was designed to help our Nation prosper within the framework of free enterprise.

I consider it a great privilege indeed to be able to serve in Congress under the guidance of my own dean, Mr. O'BRIEN. Like many of my colleagues, I have learned to admire and respect him be-

cause of his deep devotion to those principles which have made our Nation a symbol of freedom and justice throughout the world.

As we honor him today on his 82d birthday we can all take inspiration from his agility and dexterity. I never cease to be amazed how thoroughly he keeps track of every single action in Congress and how his many years of experience make it possible for Mr. O'BRIEN to evaluate difficult legislation with relative ease. We from Illinois are that much the wiser and effective in our duties as members of Congress because of his sound and determined leadership.

Mr. Speaker, I consider it a great honor to be able to join in this tribute to Mr. O'BRIEN today. I pray he will be blessed with many more years of health so his profound influence on the affairs of our Nation can be shared by all of us. I am certain all of the people of his native Chicago—the city he loves so dearly and for which he works so tirelessly here in Congress—would want to join in this birthday tribute today. May he experience many more such birthdays here in Congress.

CONSENT CALENDAR

The SPEAKER. This is Consent Calendar day. The Clerk will call the first bill on the Consent Calendar.

AGRICULTURAL ATTACHÉ ROTATION

The Clerk called the bill (H.R. 8074) to amend section 602 of the Agricultural Act of 1954.

Mr. GROSS. Mr. Speaker, I ask unanimous consent that this bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Iowa? There was no objection.

FORD CITY, PA.

The Clerk called the bill (H.R. 5850) for the relief of the Borough of Ford City, Pa.

There being no objection, the Clerk read the bill, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury is authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, the sum of \$412,250.

The payment of such claim shall be in full settlement of all the claims of the Borough of Ford City against the United States for damage to its sewage system resulting from the raising of the pool level of the Allegheny River at Ford City in consequence of the construction by the United States of lock and dam numbered 6 on the Allegheny River: Provided, That no part of the amount appropriated in this Act in excess of 5 per centum thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding \$1,000.

With the following committee amendment:

Strike out all after the enacting clause and insert: "That notwithstanding laches or any statute of limitations, jurisdiction is hereby conferred on the United States District Court for the Western District of Pennsylvania, to hear, determine, and render judgment on the claim of the borough of Ford City, Pennsylvania, for damage to its sewer system allegedly due to the construction by the Department of the Army of a lock and dam designated as 'Lock and Dam No. 6,' on the Allegheny River.

"Sec. 2. Proceedings shall be instituted any time within 90 days after the date of the enactment of this Act."

The committee amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

HEADQUARTERS FOR MOUNT RAINIER NATIONAL PARK, WASH.

The Clerk called the bill (S. 1358) to authorize the Secretary of the Interior to provide a headquarters site for Mount Rainier National Park in the general vicinity of Ashford, Wash., and for other purposes.

Mr. MINSHALL. Mr. Speaker, since a rule has been granted, I ask unanimous consent that this bill may be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Ohio? There was no objection.

NATIONAL HISTORIC SITE AT BENT'S OLD FORT, COLO.

The Clerk called the bill (H.R. 6851) authorizing the establishment of a national historic site at Bent's Old Fort near La Junta, Colo.

Mr. GROSS. Mr. Speaker, inasmuch as this bill has been granted a rule, I ask unanimous consent that the bill may be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Iowa? There was no objection.

USE OF PESTICIDE CHEMICALS ON AGRICULTURAL COMMODITIES

The Clerk called the bill (H.R. 7480) to amend the Federal Food, Drug, and Cosmetic Act, with respect to label declaration of the use of pesticide chemicals on raw agricultural commodities which are the produce of the soil.

Mr. ASPINALL. Mr. Speaker, at the request of the gentlewoman from Missouri, I ask unanimous consent that this bill may be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Colorado?

There was no objection.

AMEND VETERANS' PREFERENCE ACT OF 1944

The Clerk called the bill (H.R. 1907) to amend the Veterans' Preference Act

Digest of CONGRESSIONAL PROCEEDINGS

OF INTEREST TO THE DEPARTMENT OF AGRICULTURE

OFFICE OF
BUDGET AND FINANCE

(For Department
Staff Only)

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HIGHLIGHTS: Both Houses agreed to conference report on mutual security authorization bill. House committee voted to report bill to extend Mexican farm labor program. House Rules Committee cleared bills for multiple use management of forests and consolidation of Farmers Home Administration loan authority.

SENATE

1. FOREIGN AID. Both Houses agreed to the conference report on H. R. 11510, the mutual security authorization bill (pp. 9423-3, 9445-51). This bill will now be sent to the President. As agreed to, the bill includes the following provisions: Requires that at least \$175 million of mutual security funds be used to finance the sale for foreign currencies of surplus agricultural commodities. Authorizes \$2 million for payment of ocean freight charges to move supplies donated to and by American voluntary agencies. Authorizes \$206,500,000 for technical cooperation programs. Authorizes, for 1 year, the use of surplus agricultural commodities on a grant basis to meet the requirements of needy people and to promote economic development in underdeveloped areas. Authorizes the payment of transportation charges to points of entry in landlocked countries for shipments under the Mutual Security Act of titles II and III of Public Law 480. Authorizes loans of foreign currencies to small farm operators in foreign countries to assist in improving agricultural methods and techniques. Provides that "insofar as practicable" land and water resource projects in foreign countries be examined by qualified engineers financed under the Mutual Security Act in

accordance with the general procedures prescribed in Circular A-47 of the Budget Bureau. Provides that the President shall have a study made of the functions of, and the degree of coordination among, agencies engaged in foreign economic activities, including this Department, the State Department, the Development Loan Fund, and the Export-Import Bank. Expresses the sense of Congress that the United States favors freedom of navigation in international waterways and economic cooperation between nations, and that assistance under the Mutual Security Act and Public Law 480 shall be administered to give effect to these principles. Adds as an additional purpose of the Development Loan Fund the development of free economic institutions and the development of agriculture as well as industry. Authorizes ambassadors to regulate the extent to which officers and employees of U. S. Government agencies and contractors abroad might receive their pay and allowances abroad in dollars or in local currency. (The conferees deleted a proposed Senate amendment which would have amended Public Law 174, 79th Congress, so as to strike out the \$3 million limitation on the annual U. S. contribution to the Food and Agriculture Organization.)

2. PAYMENTS IN LIEU OF TAXES. Passed with amendments S. 910, to authorize payments to local governments of sums in lieu of taxes and special assessments with respect to certain real property (pp. 9396-9411). Agreed to an amendment by Sen. Holland to provide that the term "industrial or commercial use," when used in relation to any Federal property on which payments in lieu of taxes may be made, shall not include property used for the generation of electrical energy (pp. 9396-8). Rejected, 30 to 52, a motion by Sen. Dirksen to recommit the bill to the Committee on Government Operations (pp. 9398-9400).
3. PERSONNEL; RETIREMENT. Debated H. R. 4601, to limit to cases involving the national security the prohibition on the payment of annuities and retired pay to employees of the Federal Government (pp. 9428-41). Agreed to a motion by Sen. Williams, Del., to refer the bill to the Post Office and Civil Service Committee for further study (pp. 9433-41).
4. ELECTRIFICATION. Sen. Russell commended the work of REA and expressed his congratulations on its 25th anniversary, stating that "it has been one of the most successful programs ever undertaken by the Federal Government, both in terms of its operation and administration and in terms of its genuine service to the people of the country." pp. 9395-6
5. FARM PROGRAM. Sen. Goldwater criticized the report of the Democratic Party's advisory committee on farm policy, stating that "the advisory committee offers, as their only solution to the economic problems facing agriculture, a return to the old, discredited 90 percent of parity price support formula that destroyed markets at home and abroad, especially for cotton and tobacco, and built the present costly surpluses." pp. 9442-3
6. LEGISLATIVE PROGRAM. H. R. 10777, to authorize construction projects at military installations, was made the unfinished business. p. 9443

HOUSE

7. FORESTRY; FARM LOANS; PESTICIDES. The Rules Committee reported resolutions for consideration of the following bills: (p. 9492)
H. R. 7480, to amend the Federal Food, Drug, and Cosmetic Act so as to provide that the term "chemical preservatives" shall not apply to a pesticide chemical when used in or on a raw agricultural commodity produced from the

soil, and to require that shipping containers for raw agricultural commodities be labeled to indicate by name or function the presence of any pesticide chemical that had been applied after harvest.

H. R. 10572, to direct that national forests be managed under principles of multiple use and to produce a sustained yield,

H. R. 11761, to simplify, consolidate, and improve the authority of the Secretary of Agriculture with respect to loans to farmers and ranchers.

8. FOREST ROADS. Passed with amendments H. R. 10495, to authorize appropriations for the fiscal years 1962 and 1963 for the construction of certain highways, including authorization for the construction of forest highways and forest development roads and trails. pp. 9452-64 As passed the bill authorizes \$33,000,000 for forest highways for each of the fiscal years 1962 and 1963, and \$35,000,000 and \$40,000,000 for forest development roads and trails for 1962 and 1963, respectively. pp. 9452-64

9. FARM LABOR. The Agriculture Committee voted to report (but did not actually report) H. R. 12176, to extend the Mexican farm labor program. p. D408

10. DEFENSE DEPARTMENT APPROPRIATION BILL, 1960. Agreed to allow the Appropriations Committee until midnight, Fri., May 13, to file a report on this bill, and the legislative appropriation bill for 1961. p. 9451

11. LANDS. A subcommittee of the Armed Services Committee voted to report S. 747, to provide for the conveyance of certain lands known as the Des Plaines Public Hunting and Refuge Area to Illinois. p. D408

12. INFORMATION. The Education and Labor Committee voted to report (but did not actually report) H. R. 7656, to provide for the establishment of a Federal Advisory Council on the Arts to assist in the growth and development of the fine arts in the U. S. p. D408

13. LIBRARY SERVICES. The Education and Labor Committee voted to report (but did not actually report) H. R. 12125, to amend the Library Services Act so as to extend the appropriation authorization for 5 years. p. D408

14. INDIAN REHABILITATION. The Indian Affairs subcommittee of the Interior and Insular Affairs Committee tabled H. R. 11627, to better promote the rehabilitation of the Navajo and Hopi Tribes of Indians. p. D409

15. BUDGETING. Rep. Lipscomb urged members of Congress to "promote and encourage" development of the "accrual accounting and cost-based budgeting in all Federal agencies." pp. 9484-6

16. FARM PROGRAM. Rep. Flynn urged a "complete overhaul" of the farm program and stated, "We must bring domestic production of farm commodities into balance with domestic consumption." He also made a number of proposals, the principal one being an expansion of the conservation reserve program by 12 million acres per year until production is brought in line with demand. pp. 9487-90

17. ELECTRIFICATION; REA. Rep. Price commended the work of the REA and recommended two new booklets published by REA which "tell a fascinating story of a revolution in rural America that has not stopped yet." p. 9491

18. LEGISLATIVE PROGRAM. Rep. McCormack announced that the legislative program for next week would include consideration of the following: On Mon., May 16, the

Consent Calendar will be called followed by consideration, under suspension of the rules, of amending certain laws in relation to Hawaii, and H. R. 10777, the military construction authorization bill; and on Tuesday, the legislative appropriation bill for 1961. pp. 9473-4

19. ADJOURNED until Mon., May 16. p. 9492

ITEMS IN APPENDIX

20. ELECTRIFICATION. Extension of remarks of Reps. Breeding, Henderson, and Metcalf congratulating REA on its 25th birthday. pp. A4083-4, A4094, A4113-4

BILLS INTRODUCED

21. WEATHER. S. 3539, by Sen. Magnuson (by request), to authorize the Secretary of Commerce to utilize funds received from State and local governments and private organizations and individuals for special meteorological services; to Interstate and Foreign Commerce Committee. Remarks of author. pp. 9382-3

22. SOIL BANK. H. R. 12201, by Rep. McGinley, to amend the Soil Bank Act to provide that land devoted to conserving uses after the expiration of a conservation reserve contract may continue to be counted in the determination of acreage allotments and marketing quotas; to Agriculture Committee.

23. COTTON. H. R. 12207, by Rep. Rains, to stabilize cotton price support for the 1961 crop; to Agriculture Committee.

24. PURCHASING. H. R. 12212, by Rep. Holland, to provide that certain subcontracts may be entered into only in accordance with rules and regulations prescribed by the Small Business Administration; to Banking and Currency Committee.

COMMITTEE PRINT RECEIVED BY THIS OFFICE

25. SUBSIDIES. This office has received a supply of a House Agriculture Committee Print, "Government Subsidy Historical Review," which is a summary of the use of subsidies to advance the aims and purposes of Government from the first Congress to the present time, and which contains information and tables relating to the cost of agricultural programs.

PRINTED HEARINGS RECEIVED BY THIS OFFICE

26. APPROPRIATIONS. Military construction appropriations for 1961. Part 1: Departments of the Army and the Navy; Part 2: Dept. of the Air Force and overall statements. H. Appropriations Committee.
Public works appropriations for 1961. Parts 4 and 5: Members of Congress and interested organizations, and individuals. H. Appropriations Committee.

27. FARM LABOR. H. R. 9869, etc., extension of Mexican farm labor program, H. Agriculture Committee.

28. WHEAT. S. 2759, 3159, and 3336, proposed Wheat Act of 1960. S. Agriculture and Forestry Committee.

29. MONOPOLIES. Monopoly problems in regulated industries. Part 1, Vol. 4 and Part 1, Vol. 5: Ocean freight industry. H. Judiciary Committee.

CONSIDERATION OF H.R. 7480

MAY 12, 1960.—Referred to the House Calendar and ordered to be printed

Mr. MADDEN, from the Committee on Rules, submitted the following

REPORT

[To accompany H. Res. 526]

The Committee on Rules, having had under consideration House Resolution 526, report the same to the House with the recommendation that the resolution do pass.

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House Calendar No. 218

86TH CONGRESS
2D SESSION

H. RES. 526

[Report No. 1603]

IN THE HOUSE OF REPRESENTATIVES

MAY 12, 1960

Mr. MADDEN, from the Committee on Rules, reported the following resolution; which was referred to the House Calendar and ordered to be printed

RESOLUTION

1 *Resolved*, That upon the adoption of this resolution it
2 shall be in order to move that the House resolve itself into
3 the Committee of the Whole House on the State of the Union
4 for the consideration of the bill (H.R. 7480) to amend
5 the Federal Food, Drug, and Cosmetic Act, with respect
6 to label declaration of the use of pesticide chemicals on raw
7 agricultural commodities which are the produce of the soil.
8 After general debate, which shall be confined to the bill,
9 and shall continue not to exceed one hour, to be equally
10 divided and controlled by the chairman and ranking minority
11 member of the Committee on Interstate and Foreign Com-
12 merce, the bill shall be read for amendment under the five-

1 minute rule. At the conclusion of the consideration of the
2 bill for amendment, the Committee shall rise and report
3 the bill to the House with such amendments as may have
4 been adopted, and the previous question shall be considered
5 as ordered on the bill and amendments thereto to final
6 passage without intervening motion except one motion to
7 recommit.

House Calendar No. 218

86TH CONGRESS
2d Session

H. RES. 526

[Report No. 1603]

RESOLUTION

Providing for the consideration of H.R. 7480,
a bill to amend the Federal Food, Drug, and
Cosmetic Act, with respect to label declara-
tion of the use of pesticide chemicals on raw
agricultural commodities which are the
produce of the soil.

By Mr. MADDEN

MAY 12, 1960

Referred to the House Calendar and ordered to be
printed

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HIGHLIGHTS: Senate committee reported bill to transfer forest land authorities from Interior to USDA. Sens. Bush, Clark, and Gruening discussed President's veto of depressed areas bill. House committee reported legislative branch appropriation bill. Rep. Johnson, Wis., introduced and discussed bill to increase support levels for manufacturing milk.

SENATE

1. FORESTRY. The Government Operations Committee reported without amendment H. R. 7681, to provide for the transfer from Interior to this Department of certain authorities for the exchange or sale of forest land and timber (S. Rept. 1353). p. 9581
2. PROPERTY. The Government Operations Committee reported without amendment H. R. 9983, to extend for two years the period during which payments in lieu of taxes may be made with respect to certain real property transferred by RFC to other Government agencies (S. Rept. 1352). p. 9581
3. LAND ACQUISITION. The Government Operations Committee reported with amendment S. 2583, to authorize Federal agencies to reimburse certain landowners for their moving expenses when the land is acquired by the Federal Government (S. Rept. 1374). p. 9581
4. DEPRESSED AREAS. Sen. Bush commended the President's veto of S. 722, the depressed areas bill, stated that "because I agree with the objections to S. 722 which have been stated by the President, and because I resent the efforts which have been made to play politics with human misery, I shall vote to sustain the veto," and inserted a comparison of the administration's area assistance

bill (S. 1064 and H. R. 4278) with the vetoed bill, S. 722. pp. 9588-90

Sen Clark criticized the President's veto of S. 722, and stated that "the six reasons given for the veto are so hollow that it is clear this is merely a political veto." p. 9597

Sen. Gruening criticized the President's veto of S. 722 when "Federal dollars are to be used for the same types of things abroad," and inserted a list showing the cumulative status of loans and commitments under the Development Loan Fund to aid foreign countries. pp. 9607-11

5. BRUCELLOSIS ERADICATION. Sen. Carlson inserted a Kan. Livestock Commission resolution urging Congress, through this Department, to make additional funds available for the brucellosis eradication program in Kan. p. 9581
6. PERSONNEL; TRAINING. Both Houses received from the President the annual report on training of Federal employees under authority of the Government Employees Training Act. pp. 9578, 9632-3
7. NOMINATIONS. Confirmed the nominations of Lester Clyde Carter and Robert T. Lister to be members of the Federal Farm Credit Board. p. 9612

HOUSE

8. AREA REDEVELOPMENT. Rep. Saylor inserted an article urging Congress and the President to compromise on an area redevelopment program acceptable to both. p. 9618
9. PESTICIDE CHEMICALS. Passed without amendment H. R. 7480, to amend the Federal Food, Drug, and Cosmetic Act so as to provide that the term "chemical preservative" shall not apply to a pesticide chemical when used in or on a raw agricultural commodity produced from the soil, and to require that shipping containers for raw agricultural commodities be labeled to indicate by name or function the presence of any pesticide chemical that had been applied after harvest. p. 9618
Rep. Dingell discussed and inserted an article urging support for Rep. Wolf's proposal which would "provide that no Federal agency shall embark on chemical biological controls without first consulting with the U. S. Fish and Wildlife Service and the corresponding State agencies in the areas involved." pp. 9639-40
10. DESERT LANDS. Passed as reported H. R. 11706, to authorize an extension of time for final proof of qualifications of certain entrymen under the desert land laws. p. 9620
11. PERSONNEL. Passed over at the request of Rep. Ford H. R. 4271, to validate the salary overpayments made to certain officers and employees incident to the salary adjustment provisions of the Federal Employees Salary Increase Act of 1955. p. 9620
Passed over at the request of Rep. Weaver H. R. 8074, to permit the assignment of agricultural attaches to positions in the U. S. for a maximum of 4 years without reduction in grade. p. 9618
Received from the Attorney General a proposed bill to "amend section 507 of the Classification Act of 1949, as amended, with respect to the preservation of basic compensation in downgrading actions"; to Post Office and Civil Service Committee. p. 9645

great American, General Pershing, strikes me as being worthy of making available to the general public. Therefore, Mr. Speaker, as a part of my remarks, this statement is attached for printing in the CONGRESSIONAL RECORD:

STATEMENT

September 13, 1960, is the 100th anniversary of the birth of General of the Armies John J. Pershing.

In view of the significant contribution which General Pershing made to the American victory in World War I, in organizing the American Expeditionary Forces in 1917 and their subsequent participation in the battles in France, and in view of the fact that he symbolizes the men of the AEF who fought under him, this resolution would authorize and request the President to proclaim September 13, 1960, as a day upon which all Americans should pay honor and respect to General Pershing and the men who served under him.

This resolution authorizes departments and agencies of the Government to cooperate with civic and patriotic organizations in ceremonies commemorating General Pershing's birth. In addition, the resolution, as amended, designates the Secretary of Defense as the responsible officer for the coordination between civic and patriotic organizations and the departments and agencies of the Government.

The 100th anniversary of the birth of General Pershing will occur on September 13, 1960. The anniversary will afford a convenient and appropriate time for the American people to pay honor to General Pershing and the unique American military system of which he was a product and exemplar. It will also furnish an appropriate occasion to recall the achievements of the men and women who served in the AEF, whose ranks grow thinner with each passing year.

Accordingly, the committee recommends the favorable consideration of House Joint Resolution 640, as amended.

Following is a statement of General Pershing's military history and accomplishments.

John J. Pershing was born near Laclede, Mo., on September 13, 1860. He was appointed to the U.S. Military Academy from his native State on July 1, 1882, and upon graduation on July 1, 1886, was commissioned a second lieutenant of cavalry. He was promoted to first lieutenant on October 20, 1892; and to major (temporary) on August 18, 1898; to captain (permanent) on February 2, 1901. On June 30, 1901, he reverted to the permanent rank of captain; and was promoted to brigadier general, Regular Army, on September 20, 1906; to major general on September 25, 1916; and to general on October 6, 1917. He became general of the armies on September 3, 1919.

General Pershing joined the 6th Cavalry on September 30, 1886, and served with it at Fort Bayard, Fort Wingate, and Fort Stanton, N. Mex., until December 1, 1890. He served in the field in campaigns against the Apache Indians; and being transferred to South Dakota, he participated in campaigns against the Sioux Indians, and commanded Indian Scouts at Pine Ridge Agency, S. Dak.

From September 25, 1891, to October 1, 1895, General Pershing was professor of military science and tactics at the University of Nebraska, and upon completion of that duty joined the 19th Cavalry at Fort Assiniboine, Mont. During the following summer he participated in a roundup of Cree Indians in the northwestern States and their return to Canada. On December 20, 1896, he was assigned to duty on the staff of Gen. Nelson B. Miles, at Headquarters of the Army in Washington, and on May 1, 1897, returned to his regiment at Fort Assiniboine where he remained to June 1, 1897.

He then served as assistant instructor of tactics at the U.S. Military Academy, West Point, N.Y., to May 5, 1898, when he joined, at his own request, his regiment, the 10th Cavalry, at Chicamauga Park, Ga., sailing with it to Cuba, where he served with distinction in the Santiago campaign. Upon his return to the United States he was on duty at Headquarters of the Army, Washington, D.C., to December 20, 1898, and in the Office of the Assistant Secretary of War in connection with insular affairs until his appointment, upon the organization of the Division of Customs and Insular Affairs, as its first chief.

In September 1899, he requested active service in the Philippines where he served in various official capacities in the Department of Mindanao, until October 11, 1901, when he returned to the line in command at Iligan, in charge of Moro affairs at Camp Vicars, and in command of Vicars, participating in many operations against the Moros. He returned to the United States in July 1903, and after serving until January 1904, with the War Department General Staff in Washington, D.C., was assigned to duty as Assistant to Chief of Staff, and as Acting Chief of Staff, Southwestern Division, Oklahoma City, Okla., to October 24, 1904. He attended the Army War College, Washington, to January 1905.

He served as military attache in Japan, beginning in February 1905, and during the Russian-Japanese War he was an accredited observer with the Japanese Army and accompanied General Nuroki's army in later stages of the Manchurian campaign. His duties brought him back to the United States, then to Europe under special instructions pending result of situation in the Balkans, as an observer should open hostilities ensue. In December 1908 he returned to the United States, serving for a short time in the Office of Chief of Staff, in Washington, D.C. He returned to the Philippines in October 1909, where he assumed command of the Department of Mindanao. Upon his return to the United States in January 1914 he commanded the 8th Brigade to April 1914; served on the Mexican border to March 15, 1916, when he entered Mexico in command of the Punitive Expedition, remaining there until February 1917. Upon his return to the United States, he commanded the District of El Paso, Tex., to February 21, 1917, and the Southern Department to May 1917.

He was designated by the President on May 26, 1917, to lead the American forces in the World War, and sailed for France on May 28, 1917. He returned to the States on September 8, 1919, at which time he was assigned to duty at General Headquarters, American Expeditionary Forces, Washington, to August 31, 1920; and at Headquarters, General of the Army, Washington, to July 1, 1921. On that date he was appointed Chief of Staff of the Army, in which capacity he served until his retirement, for age, on September 13, 1924.

In 1923, General Pershing became Chairman of the American Battle Monuments Commission, which was created by Congress for the purpose of commemorating the services of the American forces in Europe during the World War. In November 1924 he was designated by President Coolidge as Ambassador to represent the United States in Peru during the centennial of the battle which marked the end of Spanish domination in South America. He returned the following year to South America, where he served as head of the Tacna-Arica Plebiscitary Commission. On June 24, 1936, he was appointed by the President as a member of a commission to prepare plans for the erection of a memorial within the Panama Canal Zone to Gen. George W. Goethals, builder of the Panama Canal.

On June 27, 1936, he took his seat in the French Institute, having been elected a member (foreign associate) of the Academy of Moral and Political Sciences.

In 1937 he was appointed by President Roosevelt as a member of a special delegation to represent him at the Coronation of His Majesty King George VI, and attended the ceremonies in London.

General Pershing received many honorary degrees, which are shown below. His military decorations and awards were numerous, and follow in detail.

HONORARY DEGREES

LL.B. and LL.D., University of Nebraska.
D.C.L., Oxford University.
LL.D., Cambridge University.
LL.D., University of St. Andrews, Scotland.
LL.D., University of Arizona.
LL.D., University of Missouri.
LL.D., George Washington University.
LL.D., Columbia University.
LL.D., Williams College.
LL.D., Yale University.
LL.D., Harvard University.
D. of M.S., Pennsylvania Military College.
LL.D., University of Pennsylvania.
LL.D., McGill University, Canada.
LL.D., University of Maryland.
LL.D., Princeton University.
D. of M.S., New York University.
LL.D., the College of William and Mary, the University of Wyoming.

MILITARY DECORATIONS AND AWARDS

Decorations

Distinguished Service Cross.
Distinguished Service Medal.
Silver Star.

Service medals

Indian Campaign Medal.
Spanish Campaign Medal.
Philippine Campaign Medal.
Mexican Service Medal.
Army of Cuban Occupation Medal.
World War I Victory Medal with Battle Clasps for Cambrai, Somme Defensive, Lys, Aisne, Montdidier-Noyon, Champaigne-Marne, Aisne-Marne, Somme Offensive, Oise-Aisne, Ypres-Lys, St. Mihiel, Meuse-Argonne, Vittorio-Veneto and Defensive Sector.

Badges

Silver Medal, rifle competition, 1889 Arizona Revolver Team.
Bronze and Silver Medals, 1891 Platte Revolver Team.

Foreign decorations

Belgian: Order of Leopold (Grand Croix); Croix de Guerre.
British: Order of the Bath (Knight Grand Cross).
Chinese: Grand Cordon of the Order of the Precious Light of the Chia Ho (Golden Grain) (first class).
Czechoslovakian: Croix de Guerre; Order of the White Lion (first class) with Sword.
France: Legion of Honor (Grand Cross); Medaille Militaire; Croix de Guerre with Palm.
Greek: Order of the Redeemer (Grand Cross).
Italian: Military Order of Savoy (Grand Cross); Order of St. Maurice and St. Lazarus (Grand Croix).
Japanese: Order of the Rising Sun (Grand Cordon of the Paulownia).
Montenegrin: Medaille Obilitch; Order of Prince Danilo Ier (Grand Croix).
Panamanian: Medal of La Solidaridad (first class).
Peruvian: Grand Cross of the Order of the Sun; Medal Commemorative of the First Centenary of the Battle of Ava Chuchoo.
Polish: Order of "Virtutis Militari."
Rumanian: Order of Mihail the Brave (first class).
Serbian: Order of the Star of Kara-Georges with Swords (first class).

Venezuelan: Grand Cordon of the Order of the Liberator.

SPECIAL AWARDS

State medals

Missouri: Distinguished Service Medal.
Virginia: Distinguished Service Medal.
New Mexico: Medal of Honor.

Tendered thanks of Congress

"Resolved by the Senate and House of Representatives of the United States of America in Congress Assembled, That the thanks of the American people and the Congress of the United States are due, and are hereby tendered, to Gen. John J. Pershing for his highly distinguished services as commander in chief of the American Expeditionary Forces in Europe and to the officers and men under his command for their unwavering devotion and heroic valor throughout the war." (Joint resolution or Congress Sept. 18, 1919, approved Sept. 29, 1919.)

Special gold medal

"In recognition of his peerless leadership, heroic achievement, and great military victories, as Commander in Chief of the American Expeditionary Forces in Europe in World War I, and for his gallant and unselfish devotion to the service of his country, in his contribution to the preparation for, and the prosecution of World War II" (Awarded by act of Congress, Aug. 7, 1946.)

Special medal

A commemorative medal from Dr. Adolfo Magica, president of the Committee of the City of Buenos Aires, "Sir, in the name of the committee in charge of the festivities with which the city of Buenos Aires celebrated joyously the advent of peace, consummated by the Treaty of Versailles, I have the honor to convey to you a commemorative medal which has been especially dedicated to you. Receive it, sir, with a testimony of the profound admiration and respect with which we hold your great services to the cause of justice and civilization."

Resolution of a foreign city

Letter of February 3, 1920, of resolution passed at a public meeting by the citizens of Wanganui, New Zealand, as an expression of their appreciation of the value of General Pershing's services in the World War.

CORRECTION OF ROLL CALL

Mrs. KEE. Mr. Speaker, on roll call No. 89, a quorum call, I am recorded as absent. I was present and answered to my name. I ask unanimous consent that the RECORD and Journal be corrected accordingly.

The SPEAKER. Is there objection to the request of the gentlewoman from West Virginia?

There was no objection.

Mr. MATTHEWS. Mr. Speaker, on roll call No. 89, a quorum call, I am recorded as absent. I was present and answered to my name. I ask unanimous consent that the RECORD and Journal be corrected accordingly.

The SPEAKER. Is there objection to the request of the gentleman from Florida?

There was no objection.

Mr. THOMPSON of Texas. Mr. Speaker, on roll call No. 90, on May 12, I am listed as not voting. I was present and voted "yea." I ask unanimous consent that the RECORD and Journal be corrected accordingly.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

AREA REDEVELOPMENT LEGISLATION

(Mr. SAYLOR asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. SAYLOR. Mr. Speaker, I would like to include an article which appeared in the Saturday, May 14, 1960, edition of the Washington Post, as follows:

WORTH TRYING AGAIN

To no one's astonishment President Eisenhower has vetoed the so-called area redevelopment bill, charging that it would spread Federal aid too thin, extend some aid that is unnecessary and inhibit local initiative by excessive Federal intervention. There is some merit in all of these objections although the complaint that the bill would duplicate assistance now provided under other programs is not valid enough to justify a veto, in our view.

Mr. Eisenhower does not contend that there is no need for various kinds of economic help for chronically depressed areas; indeed, he calls again for enactment of his own somewhat more modest program. If the need is real, as it certainly seems to be in States like Pennsylvania, Kentucky, West Virginia, and Massachusetts, would it not have been better to accept some program with which to make a start on redevelopment in these areas?

By the same reasoning, however, it may now be asked whether Congress ought not to meet the President half way and pass another bill that eliminates the major sources of objection. Mr. Eisenhower has indicated he would accept some broadening of the criteria in his proposal. If legislation, not mere campaign talk, is the objective, a workable and useful program ought still to be within reach.

I also feel that the Congress and the administration can reach a compromise on this legislation, and sincerely hope that we can get a bill through the legislative processes in a short time.

SUBCOMMITTEE ON IRRIGATION AND RECLAMATION

Mr. ASPINALL. Mr. Speaker, I ask unanimous consent that the Subcommittee on Irrigation and Reclamation of the Committee on Interior and Insular Affairs may be permitted to sit during general debate this afternoon.

The SPEAKER. Is there objection to the request of the gentleman from Colorado?

There was no objection.

CORRECTION OF ROLL CALL

Mr. KOWALSKI. Mr. Speaker, on roll call No. 87 I am recorded as being absent. I was present and answered to my name. I ask unanimous consent that the permanent RECORD and Journal be corrected accordingly.

The SPEAKER. Is there objection to the request of the gentleman from Connecticut?

There was no objection.

CONSENT CALENDAR

The SPEAKER. This is the day for the call of the Consent Calendar. The Clerk will call the first bill on the Consent Calendar.

AGRICULTURAL ATTACHÉ ROTATION

The Clerk called the bill (H.R. 8074) to amend section 602 of the Agricultural Act of 1954.

Mr. WEAVER. Mr. Speaker, at the request of another Member, I ask unanimous consent that the bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Nebraska?

There was no objection.

NATIONAL HISTORIC SITE AT BENT'S OLD FORT, COLO.

The Clerk called the bill (H.R. 6851) authorizing the establishment of a national historic site at Bent's Old Fort near La Junta, Colo.

Mr. FORD. Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Michigan?

There was no objection.

USE OF PESTICIDE CHEMICALS ON AGRICULTURAL COMMODITIES

The Clerk called the bill (H.R. 7480) to amend the Federal Food, Drug, and Cosmetic Act, with respect to label declaration of the use of pesticide chemicals on raw agricultural commodities which are the produce of the soil.

There being no objection, the Clerk read the bill, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 403 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 343) is amended—

(1) by adding at the end of paragraph (k) thereof the following sentence: "The provisions of this paragraph with respect to chemical preservatives shall not apply to a pesticide chemical when used in or on a raw agricultural commodity which is the produce of the soil";

(2) by adding at the end of such section the following new paragraph:

"(1) If it is a raw agricultural commodity which is the produce of the soil, bearing or containing a pesticide chemical applied after harvest, unless the shipping container of such commodity bears labeling which declares the presence of such chemical in or on such commodity and the common or usual name and the function of such chemical: *Provided, however,* That no such declaration shall be required while such commodity, having been removed from the shipping container, is being held or displayed for sale at retail out of such container in accordance with the custom of the trade."

SEC. 2. Nothing in the amendments made by the first section of this Act shall affect any requirement of the laws of any State or Territory.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

House Resolution 526 was laid on the table.

86TH CONGRESS
2D SESSION

H. R. 7480

IN THE SENATE OF THE UNITED STATES

MAY 17, 1960

Read twice and referred to the Committee on Labor and Public Welfare

AN ACT

To amend the Federal Food, Drug, and Cosmetic Act, with respect to label declaration of the use of pesticide chemicals on raw agricultural commodities which are the produce of the soil.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*
3 That section 403 of the Federal Food, Drug, and Cosmetic
4 Act (21 U.S.C. 343) is amended—

5 (1) by adding at the end of paragraph (k) thereof
6 the following sentence: “The provisions of this para-
7 graph with respect to chemical preservatives shall not
8 apply to a pesticide chemical when used in or on a raw

1 agricultural commodity which is the produce of the
2 soil.”;

3 (2) by adding at the end of such section the follow-
4 ing new paragraph:

5 “(1) If it is a raw agricultural commodity which is the
6 produce of the soil, bearing or containing a pesticide chemical
7 applied after harvest, unless the shipping container of such
8 commodity bears labeling which declares the presence of
9 such chemical in or on such commodity and the common or
10 usual name and the function of such chemical: *Provided,*
11 *however,* That no such declaration shall be required while
12 such commodity, having been removed from the shipping
13 container, is being held or displayed for sale at retail out of
14 such container in accordance with the custom of the trade.”

15 SEC. 2. Nothing in the amendments made by the first
16 section of this Act shall affect any requirement of the laws
17 of any State or Territory.

Passed the House of Representatives May 16, 1960.

Attest:

RALPH R. ROBERTS,

Clerk.

AN ACT

To amend the Federal Food, Drug, and Cosmetic Act, with respect to label declaration of the use of pesticide chemicals on raw agricultural commodities which are the produce of the soil.

May 17, 1960

Read twice and referred to the Committee on Labor
and Public Welfare

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HIGHLIGHTS: Senate passed wheat bill. House subcommittee approved housing bill.

SENATE

1. WHEAT. By a vote of 44 to 36, passed with amendments S. 2759, the Ellender wheat bill (pp. 11327-68). A motion to reconsider the vote by which the bill was passed was tabled (p. 11368).

Agreed to the following amendments:

By Sen. Ellender, 48 to 34, to provide a support price of 75 percent of parity for the 1961, 1962, and 1963 crops of wheat (in lieu of the 80-percent support price provided in the bill as reported), to make the 20-percent reduction in wheat acreage allotments permanent, and to make permanent the reduction in the 15-acre exemption on wheat production to 12 acres or the highest acreage planted on the farm in 1958, 1959, and 1960. pp. 11350-5

By Sen. Anderson, to strike out title II of the bill which would have established a permanent Advisory Committee on the Production, Marketing, and Utilization of Wheat to make continuing studies of the wheat program and make recommendations to the Secretary of Agriculture regarding the program. pp. 11362-3

By Sen. Young, N. Dak., to place a limit of \$10,000 a year on payments-in-kind to producers who reduce their wheat acreage allotments by more than 20 percent. p. 11363

By Sen. Mundt, to clarify the language regarding voting in national referendums "to make sure the system of voting which has prevailed in the past will prevail in the future in national referendums." pp. 11363-4

By Sen. Cooper, to extend to the 5-year period, 1956-1960, rather than the 3-year period, 1958-60, the period "which any grower producing on 12 acres or less could continue to produce the highest amount produced in any one of these years." p. 11364

By Sen. Young, N. Dak., to provide that if a wheat producer "participates in the Great Plains program, abandoning his wheat acreage, and remains out of wheat production after the end of the contract period for an additional length of time equal to the contract period, he will not lose wheat acreage history or cropland history thereby." p, 11364

Rejected the following amendments:

By Sen. Hickenlooper, 32 to 59, to extend the conservation reserve program for 3 years and authorize the Secretary to enter into contracts for placing not more than a total of 60 million acres in the program. pp. 11327-36

By Sen. Ellender, 39 to 46, to provide price supports at 75 percent of parity for 1961, 70 percent of parity for 1962, and 65 percent of parity for 1963 and succeeding years (in lieu of the 80-percent support price provided in the bill as reported), and to make the 20-percent reduction in wheat acreage allotments permanent (pp. 11336-50). Earlier the amendment had been agreed to by a vote of 45 to 41, a motion to table a motion to reconsider the vote by which the amendment was agreed to was rejected by a vote of 41 to 45, and a motion to reconsider the vote by which the amendment was agreed to was agreed to by a vote of 45 to 42 (pp. 11336-49).

By Sen. Cooper, to strike the second proviso of the provision reducing the 15-acre exemption to the smaller of (1) 12 acres, or (2) the highest acreage planted on the farm in 1958, 1959, and 1960. Thus, the effect of the amendment would have been to retain only the 12-acre exemption. pp. 11355-60

By Sen. Schoeppel, to strike out a provision of the bill permitting the Secretary to increase wheat acreage allotments for certain kinds of wheat when he determines that the production of the wheat will be inadequate to satisfy demand. pp. 11361-2

By Sen. Dirksen, to provide a payment in kind equal to 33-1/3 percent of the average annual wheat yield for wheat acreage diverted from production or grazing (rather than 50 percent as provided in the bill). pp. 11364-5

2. PESTICIDE CHEMICALS. The Labor and Public Welfare Committee voted to report (but did not actually report) without amendment H. R. 7480, to amend the Federal Food, Drug, and Cosmetic Act so as to provide that the term "chemical preservative" shall not apply to a pesticide chemical when used in or on a raw agricultural commodity produced from the soil, and to require that shipping containers for raw agricultural commodities be labeled to indicate by name or function the presence of any pesticide chemical that had been applied after harvest. p. D528
3. VETERANS' BENEFITS. The Labor and Public Welfare Committee voted to report (but did not actually report) with amendment S. 3274, to authorize certain veterans pursuing courses of vocational rehabilitation training to continue until such courses are completed, and with amendment S. 3275, to extend the veterans' guaranteed loan programs relating to home, farm, and business loans. p. D528
4. LANDS; ARCHEOLOGICAL DATA. Concurred in the House amendment to S. 1185, to provide for the preservation of historical and archeological data on public and other lands which might otherwise be lost as a result of the construction of a dam. This bill will now be sent to the President. p. 11371

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HIGHLIGHTS: Sen. Aiken praised ASC committees. Sen. Proxmire criticized Senate passage of wheat bill. Senate committee reported Defense Department appropriation bill. Senate committee reported bill to reorganize Federal personnel system.

SENATE

1. AGRICULTURAL HALL OF FAME. Passed with amendments H. R. 5789, to incorporate the Agricultural Hall of Fame and to establish a library and museum in Kansas City, Kansas, to honor outstanding persons in the field of agriculture. pp. 11454-5, 11479-80, 11481
2. DEFENSE DEPARTMENT APPROPRIATION BILL, 1961. The Appropriations Committee reported with amendments this bill, H. R. 11998 (S. Rept. 1550). p. 11444
3. PESTICIDE CHEMICALS. The Labor and Public Welfare Committee reported without amendment H. R. 7480, to amend the Federal Food, Drug, and Cosmetic Act so as to provide that the term "chemical preservative" shall not apply to a pesticide chemical when used in or on a raw agricultural commodity produced from the soil, and to require that shipping containers for raw agricultural commodities be labeled to indicate by name or function the presence of any pesticide chemical that had been applied after harvest (S. Rept. 1543). p. 11444
4. MINERALS. The Interior and Insular Affairs Committee reported with amendment H. R. 10455, to revise and simplify several provisions of the Mineral Leasing Act of 1920 (S. Rept. 1549). p. 11444
5. PERSONNEL. The Post Office and Civil Service Committee reported the following bills: p. 11444

S. 1638, with amendments, to provide for an effective system of personnel administration for the executive branch of the Government (S. Rept. 1545). In reporting the bill Sen. Clark stated that it "would drastically reorganize the personnel system of the Government," and would "create a streamlined, modernized and effective system of personnel management, stemming directly from the White House, while at the same time retaining in the Civil Service Commission the authority to pass on grievances of employees, to act as a quasi-judicial body to assure that justice will be done employees, and to protect the Civil Service against raids on the merit system."

H. R. 4601, with amendments, to amend the Act of September 1, 1954, in order to limit to cases involving the national security the prohibition on payment of annuities and retired pay to officers and employees of the U. S. (S. Rept. 1544).

Sen. Johnston inserted a newspaper editorial commenting "upon the beneficial nature of the health insurance programs which the Government is now offering to its employees." pp. 11447-8

6. ASC COMMITTEES. Sen. Aiken commended the ASC committees for "the excellent job which these elected county and community committeemen and the appointed State committeemen have made over the years," and stated that "at this time, when criticism seems to be the order of the day, I am taking the privilege of commending our committeemen for a job well done." p. 11449
7. WHEAT. Sen. Proxmire criticized the passage of S. 2759, the Ellender wheat bill, as "a black day in the life of the U. S. Senate," and predicted that the bill "is going to hammer down farm income even farther." p. 11448
8. FOREIGN AID. Sen. Humphrey urged support for his proposal to establish a White Fleet of mercy ships to provide emergency relief, including food supplies, to disaster areas abroad. pp. 11457-8
9. LAMB AND WOOL IMPORTS. Sen. McGee expressed concern over the economic effects of imports of lamb and wool, discussed the decision of the Tariff Commission in denying an appeal for relief from such imports, and inserted the minority opinion of the Tariff Commission in rendering its decision. pp. 11474-9
10. HUMANE SLAUGHTER. Sen. Humphrey inserted an article stating that "the Military Subsistence Supply Agency, purchaser of all meat for the Armed Forces, said it will require certification of compliance with the humane slaughter regulations only in contracts exceeding \$2,500." Sen. Humphrey criticized the proposed action of the Army, stating that "the U. S. Army had better get in line. I do not care who the lawyer is who wrote the exemption for the Secretary of the Army. There are no exemptions in this law. The law is specific." pp. 11481-3
11. ELECTRIFICATION. Sen. Humphrey commended the Rural Electrification Administration "on 25 years of achievement," and inserted several articles commending the work of REA. pp. 11460-1
12. EXPERIMENT STATIONS; REPORTS. Received the annual report of this Department on the State Agricultural Experiment Stations. p. 11444
13. FISH AND WILDLIFE. H. R. 2565, to promote effectual planning, development, maintenance, and coordination of wildlife, fish, and game conservation and rehabilitation on military reservation, was made the unfinished business. pp. 11456-7

LABEL DECLARATION OF PESTICIDE CHEMICALS

JUNE 10, 1960.—Ordered to be printed

Mr. HILL, from the Committee on Labor and Public Welfare,
submitted the following

REPORT

[To accompany H.R. 7480]

The Committee on Labor and Public Welfare, to whom was referred the bill (H.R. 7480) to amend the Federal Food, Drug, and Cosmetic Act, with respect to label declaration of the use of pesticide chemicals on raw agricultural commodities which are the produce of the soil, having considered the same, unanimously report favorably thereon without amendment and recommend that the bill do pass.

EXPLANATION

This bill would provide for a label on the shipping container of raw agricultural commodities declaring the presence of pesticide chemicals, but would not require such declaration while such commodities are displayed for retail sale outside the shipping container.

The amendment proposed by this bill to section 403 would not in any way weaken the protection which the Federal Food, Drug, and Cosmetic Act gives to consumers against the use of unsafe pesticide chemicals on raw agricultural commodities. This protection against unsafe pesticide chemicals is assured by section 408 of the act, which prohibits the use of pesticide chemicals on produce unless the Secretary of Health, Education, and Welfare has prescribed safe tolerances for such chemicals. The Food and Drug Administration has acknowledged that this bill would not affect the safeguards to public health established by section 408.

The laws of States and territories would not be affected by this legislative proposal.

BACKGROUND

Losses of fresh fruits and vegetables due to decay in marketing run into the millions of dollars annually. Pesticide chemicals are being used to cut down on these staggering losses, without harm to the

consumer, and thus enable the farm economy to deliver to consumers a greater quantity of healthful fresh produce of a high quality and at a lower price than would be possible without their use. The application of pesticide chemicals to fresh fruits and vegetables has been increasing rapidly as new and more effective chemicals are developed.

Pesticide chemicals have been found to be extremely effective in reducing the serious losses of perishable raw agricultural commodities due to decay and insect infestation. The necessity of their use for the marketing of fresh produce is fully recognized by the fruit and vegetable growers, by scientific experts in the field, and by the Federal Food and Drug Administration.

Section 403(k) of the Federal Food, Drug, and Cosmetic Act provides, in part, that a food shall be deemed to be misbranded if it bears or contains any chemical preservative, unless the food bears a label stating that fact. The term "chemical preservative" is defined by regulation of the Food and Drug Administration as "any chemical that, when added to food, tends to prevent or retard deterioration thereof but does not include common salt, sugars, vinegars, spices, or oils extracted from spices, substances added to food by direct exposure thereof to wood smoke, or chemicals applied for their insecticidal or herbicidal properties." To the extent that it is impracticable to comply with this labeling requirement, the Secretary of Health, Education, and Welfare is directed by section 403(k) to establish exemptions by regulation.

The Food and Drug Administration has taken the position that pesticide chemicals put on fresh fruits or vegetables or on other raw agricultural commodities in order to prevent, retard, or arrest the growth of molds or bacteria and thereby to prevent or retard rot or decay, are chemical preservatives within the meaning of section 403(k). With respect to chemical preservatives applied to fruits and vegetables as pesticide chemicals *before* harvest, the Secretary has found label declaration under section 403(k) to be impracticable and hence has granted an exemption to that extent. If applied *after* harvest, however, the presence of the pesticide chemical as a preservative must be declared.

Under the circumstances, fresh fruits and vegetables shipped in interstate commerce, which have safe residues of pesticide chemicals applied postharvest to retard decay during the marketing process, must bear a label indicating that a chemical preservative has been used. The name of the pesticide, however, does not have to be stated under section 403(k).

The label stating that a chemical preservative has been used on the fruits or vegetables must appear, under the present regulations, in or on the bulk shipping container and on the display bin at the retail store by means of a counter card or sign placed conspicuously so that the consumer will be advised of that fact. Incorrect labeling is a violation of the act, and is a criminal offense.

Under section 403(i)(2) of the Federal Food, Drug, and Cosmetic Act, the Food and Drug Administration has, moreover, insisted on label declaration of the common or usual name (not necessarily the chemical name) of a pesticide chemical applied after harvest. Section 403(i)(2) of the act requires label declaration of the common or usual name of each ingredient of a fabricated food except to the extent that the Secretary finds compliance impracticable. The Food and Drug

Administration holds that when a fresh fruit or vegetable has been treated with a pesticide chemical *after* harvest, the fruit or vegetable is a "fabricated food" and the chemical is an "ingredient" the name of which must be declared in the absence of an exemption. No such exemption has been granted, though the Food and Drug Administration has proposed one for citrus fruit while displayed outside the shipping container at retail. This exemption would apply only to the requirement of declaration of the name, not to the requirement of section 403(k) as to the presence of a chemical preservative.

However, the fresh fruit and vegetable industry differs from the viewpoint expressed by the Food and Drug Administration and they presented evidence by industry witnesses and land-grant college experts in support of the position that pesticide chemicals used post-harvest on fresh fruits and vegetables are not chemical preservatives within the meaning of section 403(k). These experts stated that fresh fruits and vegetables are living organisms, and not "preserved" by pesticidal residues. The presence of the residue does not eliminate any need for refrigeration by the purchaser of such commodities to avoid spoilage, in contrast to the preserved processed foods which do not require refrigeration.

The fresh fruit and vegetable industry has also strongly disagreed with the interpretation of section 403(i)(2), under which fresh fruits and vegetables treated postharvest with a pesticide chemical are considered "fabricated food" required to bear labeling showing the common or usual name of the chemical applied thereto. Furthermore, regardless of the question of interpretation, the industry has been urging that such label declarations are impracticable, especially at retail level, that where there is an attempt to compliance—by placard notice when the commodity is displayed at retail on the counter or in a bin—there is buyer resistance to the detriment of both producers and consumers, and that because of these labeling requirements large retailers are threatening to refuse fruits and vegetables so treated.

NEED FOR LEGISLATION

The fresh fruit and vegetable industry states that it is impracticable to comply with the Food and Drug Administration's ruling that fresh produce must bear chemical preservative labeling. The multiplicity of pesticide chemicals which are employed for postharvest protection of fresh produce and the method of preparing for shipment and marketing such produce make it entirely impracticable to correctly label every retail display of fresh fruits and vegetables treated with pesticide chemicals, either to identify the pesticide chemicals used or to distinguish between produce which has and that which has not received this treatment.

It is a violation of the statute and a criminal offense to place an incorrect label upon the shipment or upon a display in a retail store. It is evident that either there will be many hundreds of violations of the Food and Drug Administration's requirements in retail stores throughout the country, or the retailer will refuse to purchase produce which has been treated with pesticide chemicals after harvest in order to avoid incurring criminal liability. Some large chainstores have already refused to accept produce so treated. The result will be to

reduce the development of new pesticides and the use of those now available, the discouragement of the use of fresh fruits and vegetables, and great economic loss from the decay of those which are placed upon the market.

CONSUMER PROTECTION

The amendment proposed by this bill would not in any way weaken the protection which the Federal Food, Drug, and Cosmetic Act gives to consumers against the use of unsafe pesticide chemicals on raw agricultural commodities. This protection against unsafe pesticide chemicals is assured by section 408 of the act, which prohibits the use of pesticide chemicals on produce unless the Secretary of Health, Education, and Welfare has prescribed safe tolerances for such chemicals. The Food and Drug Administration has acknowledged that this bill would not affect the safeguards to public health established by section 408. Mr. John L. Harvey, Deputy Commissioner of the Food and Drug Administration, stated:

I think it has been said that the Food and Drug Administration would agree that neither of these sections, 403(k) or 403(i)(2), are public health sections, or, to put it another way, that the whole question of the safety of chemicals added to raw agricultural commodities is dealt with in the Miller amendment. That is true. It is not in contemplation whether this 403(k) and 403(i)(2) remain or change; that they will permit the addition of harmful quantities of harmful preservatives to fresh fruit or any other food. That is not in contemplation at all (hearings before a subcommittee of the Committee on Interstate and Foreign Commerce, House of Representatives, 85th Cong., 2d sess., on H.R. 9521, p. 120).

REPORTS FROM EXECUTIVE DEPARTMENTS AND AGENCIES

The Department of Health, Education, and Welfare and the Bureau of the Budget have advised the committee that they would not object to the enactment of this bill.

No estimate is available of the cost of this legislation.

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE,
May 25, 1960.

Hon. LISTER HILL,
Chairman, Committee on Labor and Public Welfare,
U.S. Senate, Washington, D.C.

DEAR MR. CHAIRMAN: This letter is in response to your request of May 18, 1960, for a report on H.R. 7480, a bill to amend the Federal Food, Drug, and Cosmetic Act, with respect to label declaration of the use of pesticide chemicals on raw agricultural commodities which are the produce of the soil.

This bill is identical with S. 2602 on which we submitted a report to your committee on September 11, 1959. In that report—and in our substantially identical report of August 20, 1959, on H.R. 7480 to the House Committee on Interstate and Foreign Commerce (see H. Rept. 1468, pp. 9, 13)—we stated that, assuming that the legislative history

confirms our understanding of the proposed legislation as explained in our reports, we would not object to its enactment.

With this understanding, and for the reasons we have previously stated, we would not object to the enactment of H.R. 7480, either in its present form or, if the committee should prefer to clarify it, in a form along the lines outlined in our earlier reports.

Sincerely yours,

EDWARD FOSS WILSON,
Acting Secretary.

EXECUTIVE OFFICE OF THE PRESIDENT,
BUREAU OF THE BUDGET,
Washington, D.C., October 8, 1959.

HON. LISTER HILL,
*Chairman, Committee on Labor and Public Welfare,
U.S. Senate, Washington, D.C.*

MY DEAR MR. CHAIRMAN: This is in reply to your request of August 31, 1959, for a report from the Bureau of the Budget on S. 2602, a bill to amend the Federal Food, Drug, and Cosmetic Act with respect to label declaration of the use of pesticide chemicals on raw agricultural commodities which are the produce of the soil.

The bill would amend the Federal Food, Drug, and Cosmetic Act to clarify the requirement for labeling of raw agricultural commodities which are the produce of the soil which bear a pesticide chemical applied after harvest.

In its report, the Department of Health, Education, and Welfare relates the background of the proposal incorporated in S. 2602 and does not object to its enactment. In view of the circumstances and background set forth in that Department's report, this office would not object to enactment of this bill.

Sincerely yours,

WILFRED H. ROMMEL,
Acting Assistant Director for Legislative Reference.

DEPARTMENT OF HEALTH,
EDUCATION, AND WELFARE,
September 11, 1959.

HON. LISTER HILL,
*Chairman, Committee on Labor and Public Welfare,
U.S. Senate, Washington, D.C.*

DEAR MR. CHAIRMAN: This report is in response to your request of August 31, 1959, for a report on S. 2602, a bill to amend the Federal Food, Drug, and Cosmetic Act, with respect to label declaration of the use of pesticide chemicals on raw agricultural commodities which are the produce of the soil.

We understand that this bill is intended to improve upon and supersede S. 276, introduced by the same sponsor. The earlier bill, in turn, was identical with H.R. 9521, 85th Congress, as passed by the House, which in that form incorporated a legislative compromise.

S. 2602—hereinafter referred to as "the present bill" or, simply "the bill"—would amend pertinent provisions of section 403 of the Federal

Food, Drug, and Cosmetic Act to read as follows [new matter being italicized]:

"SEC. 403. A food shall be deemed to be misbranded— * * *

"(k) If it bears or contains any * * * chemical preservative, unless it bears labeling stating that fact: *Provided, That, to the extent that compliance with the requirements of this paragraph is impracticable, exemptions shall be established by regulations promulgated by the Secretary. * * * The provisions of this paragraph with respect to chemical preservatives shall not apply to a pesticide chemical when used in or on a raw agricultural commodity which is the produce of the soil;*

"(l) *If it is a raw agricultural commodity which is the produce of the soil, bearing or containing a pesticide chemical applied after harvest, unless the shipping container of such commodity bears labeling which declares the presence of such chemical in or on such commodity and the common or usual name and the function of such chemical: Provided, however, That no such declaration shall be required while such commodity, having been removed from the shipping container, is being held or displayed for sale at retail out of such container in accordance with the custom of the trade.*"

The bill provides that these amendments shall not affect the laws of any State or Territory.

A summary of the present law on the subject and of the genesis and history of the present proposal will be helpful to a proper understanding of its terms and purpose, and of our position on the proposal.

As above indicated, the fact that a food bears or contains a chemical preservative must, under section 403(k) of the act as now in force, be declared by labeling, unless the Secretary finds compliance to be impracticable. The term "chemical preservative" has, by regulation, been interpreted to mean any chemical additive which tends to prevent or retard deterioration of food, except common salt, vinegar, spices or oils extracted therefrom, wood smoke, or chemicals applied for their insecticidal or herbicidal properties. Thus, pesticide chemicals put on fresh fruits or vegetables or on other raw agricultural commodities in order to prevent, retard, or arrest the growth of molds or bacteria and thereby to prevent or retard rot or decay, are chemical preservatives within the meaning of section 403(k). With respect to chemical preservatives applied to fruits and vegetables as pesticide chemicals *before* harvest, the Secretary has found label declaration under section 403(k) to be impracticable and hence has granted an exemption to that extent. If applied *after* harvest, however, the presence of the pesticide chemical as a preservative must still be declared.

Under another provision of the act, section 403(i)(2), the Food and Drug Administration has, moreover, insisted on label declaration of the common or usual name (not necessarily the chemical name) of a pesticide chemical applied after harvest. Section 403(i)(2) of the act requires label declaration of the common or usual name of each ingredient of a fabricated food (except to the extent that the Secretary finds compliance impracticable, etc.). The Food and Drug Administration holds that when a fresh fruit or vegetable has been treated with a pesticide chemical *after* harvest, the fruit or vegetable, being no longer in its natural state, is a "fabricated food" and the chemical is an "ingredient" the name of which must be declared in the absence of an exemption. No such exemption has been granted, though the

Food and Drug Administration has proposed one for citrus fruit while displayed outside the shipping container at retail. (The exemption would apply only to the requirement of declaration of the name, not to the requirement of section 403(k) as to the *presence*, of a chemical preservative.)

The industries concerned have contended that, contrary to the official interpretation, pesticide chemicals used postharvest on fresh fruits and vegetables to prevent or retard mold or bacteria are not "chemical preservatives" within the meaning of section 403(k) of the act. They have also strongly disagreed with the interpretation of section 403(i)(2), under which fresh fruits and vegetables treated postharvest with a pesticide chemical are considered "fabricated food" required to bear labeling showing the common or usual name of the chemical applied thereto. And, regardless of the question of interpretation, they have been urging that such label declarations are impracticable, especially at retail level, that where there is an attempt at compliance—by placard notice when the commodity is displayed at retail on the counter or in a bin—there is buyer resistance to the detriment of consumers, and that because of these labeling requirements large retailers are threatening to refuse fruits and vegetables so treated.

S. 2880 and H.R. 9521, identical bills, were, therefore, introduced in the 85th Congress so as to amend section 403(k) by providing that, as used in that paragraph, the term "chemical preservative" shall not include any pesticide chemical when used in or on any raw agricultural commodity which is the produce of the soil.

A majority of the House Committee on Interstate and Foreign Commerce as then composed, in reporting H.R. 9521 favorably, stated:

"The fresh fruits and vegetable industry has demonstrated to the satisfaction of this committee that the labeling requirements of section 403(k) of the Federal Food, Drug, and Cosmetic Act are impractical insofar as such produce are concerned. Such labeling would be difficult, if not impossible, to enforce because of the vast scope and complexity of the production and marketing of fresh fruits and vegetables and the multiplicity of pesticide chemicals which might be used. It may cause buyer resistance to the consumption of fresh fruits and vegetables treated with chemical preservatives. Increased buyer resistance would result in making fresh produce less available to consumers and would prove to be a detriment to the nutrition and health of the Nation. It may well disrupt and impeded the entire marketing processes for fresh produce, causing hardships to producers as well" (H. Rept. 2119, 85th Cong., pp. 6 and 7).

With respect to section 403(i)(2), the interpretation of which was in dispute between the Food and Drug Administration and the affected industries, both H.R. 9521 and the majority report thereon were silent, so that, had the bill been enacted in its then form, the dispute would eventually have had to be resolved by litigation.

Six members of the House committee dissented. They pointed out that, apart from being consonant with the principle of honesty and fair dealing inherent in label disclosure of chemical preservatives, label information as to the presence and identity of a chemical preservative on fresh fruits and vegetables greatly facilitates the enforcement of safe tolerance limitations established for such chemicals

under the law and is thus important from the point of view of the protection of the public health. They were, therefore, greatly concerned lest consumer health be jeopardized if the bill's amendment to section 403(k) were enacted and if, contrary to our view, section 403(i)(2), above explained, should in subsequent litigation "be held not to be applicable." At the same time, while agreeing with us that the consumer has a right to know that food has been chemically preserved after harvest and to make a choice between food that has been so treated and food that has not, the committee minority concluded that to require *retailers*, under penalty of the law, to label fruits and vegetables in their display bins as to the presence and identity of preservatives created serious problems of compliance for retailers and appeared to impose on them a considerable hardship. Their minority report, therefore, offered a compromise proposal, as follows:

"The undersigned favor a substitute for the proposed legislation which would retain the present requirement that containers in which fruits and vegetables are shipped at wholesale be labeled properly as to the presence and identity of chemical preservatives on the fruits and vegetables shipped in such containers but that this requirement be eliminated with respect to all retail displays of fruits and vegetables. This would offer the relief sought by the industry and preserve the most important safety features of present law.

"It seems to the undersigned, bearing in mind the small number of Federal food and drug inspectors, that inspection of retail grocery establishments by Federal officials would be largely theoretical in any event. This responsibility must be left primarily to State and local food and drug inspectors whose task will be aided greatly by the labeling requirement for bulk containers in which fruits and vegetables are shipped at wholesale" (H. Rept. 2119, 85th Cong., pp. 16, 17).

The approach taken in the minority report of the House committee offered a possible basis for a compromise solution. On the one hand, while recognizing that label disclosure of preharvest chemicals on raw agricultural commodities which are the produce of the soil was not practicable, we nevertheless considered it important, from the point of view of facilitating the enforcement of the tolerance system with respect to postharvest pesticide chemicals, that the common or usual name of the chemical be declared at least on the label of the shipping container. Inasmuch as this requirement rested on a disputed interpretation of the law (sec. 403(i)(2)), it was in the public interest to clarify the law by making the requirement explicit with respect to the commodities involved and thus avoiding possibly protracted litigation.

On the other hand, while believing in principle that honesty and fair dealing in the interest of consumers requires label disclosure of the presence of a chemical preservative at the retail level, we were also impressed with the fact that, under present conditions at least, such a requirement at that level was of doubtful value from the point of view of the enforcement of the Federal Food, Drug, and Cosmetic Act in view of the inability of the Administration to concentrate its enforcement activities at the retail level, and that regulation of this aspect of the matter might properly be left to State and local authorities.

Moreover, while in our view a label declaration of the *presence* of a chemical preservative on fresh fruits and vegetables is generally not impracticable even when the commodity is displayed in a bin or on the counter, there are indications that at least as to some types of fresh fruits and vegetables, and possibly as to others, label disclosure of the common or usual name of the chemical at retail level might in such cases not be practicable. If the law were left unchanged, we would thus no doubt be burdened with many applications and proceedings for declaring these requirements impracticable at retail level, thus imposing an undue administrative burden on the Food and Drug Administration in relation to the limited benefit to consumers that might result from the retention of the requirement in this respect.

Hence, in the closing days of the congressional session, conferences were held between representatives of this Department on the one hand and Members of Congress sponsoring this legislation and representatives of the affected industries on the other hand, which resulted in an understanding that we would not feel constrained to object to legislation which recognized the following principles:

1. While raw produce of the soil, treated postharvest with a chemical preservative, is in a shipping container, the shipping container must, both at the wholesale and retail levels, bear labeling declaring the presence, the common or usual name, and the function of the chemical.

2. None of these requirements shall apply at retail level after the agricultural commodity has been removed from the shipping container and while it is being held or displayed in accordance with the custom of the trade outside the shipping container. States and territories shall, however, be free to regulate the matter.

Amendments designed to carry out this understanding were submitted by the committee on the floor of the House, and H.R. 9521, as thus amended, was passed by the House on August 20, 1958, too late, however, to be acted upon in the Senate during the remainder of that Congress.

This version of the bill was reintroduced in the present Congress as S. 276. It was realized, however, that, having been drafted in haste, the amendment did not adequately express the understanding reached, since the requirement as to the label declarations on the shipping container was stated merely as a condition of exemption of the retailer from meeting the requirements of section 403(k) of the act, rather than as an independent requirement. The present bill (S. 2602) was therefore introduced.

The new paragraph (l) which the present bill would add to section 403 of the act is intended to cover in a single paragraph of the act all label disclosure requirements for pesticide chemicals on raw produce of the soil. While this paragraph is not free from ambiguity, we would interpret it as if it read as follows:

"SEC. 403. A food shall be deemed to be misbranded * * * (l) if it is a raw agricultural commodity which is the produce of the soil, bearing or containing a pesticide chemical applied after harvest, unless it bears labeling which declares the presence of such chemical in or on such commodity and the common or usual name and the function of such chemical, except that (1), while such commodity is in a shipping container, such labeling shall be required only on such container, and (2) no such declaration shall be required while such commodity, hav-

ing been removed from the shipping container, is being held or displayed for sale at retail out of such container in accordance with the custom of the trade."

With this understanding, we would not object to the bill in its present form, assuming that the legislative history confirms our understanding.

If the bill is enacted, we shall, of course, interpret it as making the requirements of clause (2) of paragraph (i) of section 403 inapplicable to a pesticide chemical on a raw agricultural commodity which is the produce of the soil.

We should like to add that the compromise understanding reached last year was limited to so-called fungicides and fungistats—which we interpreted to include bactericides—on raw agricultural commodities which are the produce of the soil. We agree with the present bill, however, in making the amendment applicable to all pesticide chemicals on raw agricultural commodities, since there is no good reason, from the point of view of the purposes of this bill, to limit it to pesticide chemicals which are chemical preservatives or fungicides and fungistats.

In conclusion, we would not object to the enactment of S. 2602, either in the present form or, if the committee should prefer to clarify it, in a form along the lines above outlined.

The Bureau of the Budget advises that it perceives no objection to the submission of this report to your committee.

Sincerely yours,

ELLIOT L. RICHARDSON
Acting Secretary.

CHANGES IN EXISTING LAW

In compliance with subsection (4) of rule XXIX of the Standing Rules of the Senate, changes in existing law made by the bill, as reported, are shown as follows (new matter is printed in *italic*, existing law in which no change is proposed is shown in *roman*):

SECTION 403 OF THE FEDERAL FOOD, DRUG, AND COSMETIC ACT (21 U.S.C. 343)

MISBRANDED FOOD

SEC. 403. A food shall be deemed to be misbranded—

- (a) If its labeling is false or misleading in any particular.
- (b) If it is offered for sale under the name of another food.
- (c) If it is an imitation of another food, unless its label bears, in type of uniform size and prominence, the word "*imitation*" and, immediately thereafter, the name of the food imitated.
- (d) If its container is so made, formed, or filled as to be misleading.
- (e) If in package form unless it bears a label containing (1) the name and place of business of the manufacturer, packer, or distributor; and (2) an accurate statement of the quantity of the contents in terms of weight, measure, or numerical count: *Provided*, That under clause (2) of this paragraph reasonable variations shall be permitted, and

exemptions as to small packages shall be established, by regulations prescribed by the Secretary.

(f) If any word, statement, or other information required by or under authority of this Act to appear on the label or labeling is not prominently placed thereon with such conspicuousness (as compared with other words, statements, designs, or devices, in the labeling) and in such terms as to render it likely to be read and understood by the ordinary individual under customary conditions of purchase and use.

(g) If it purports to be or is represented as a food for which a definition and standard of identity has been prescribed by regulations as provided by section 401, unless (1) it conforms to such definition and standard, and (2) its label bears the name of the food specified in the definition and standard, and, insofar as may be required by such regulations, the common names of optional ingredients (other than spices, flavoring, and coloring) present in such food.

(h) If it purports to be or is represented as—

(1) a food for which a standard of quality has been prescribed by regulations as provided by section 401, and its quality fails below such standard, unless its label bears, in such manner and form as such regulations specify, a statement that it falls below such standard; or

(2) a food for which a standard or standards of fill of container have been prescribed by regulations as provided by section 401, and it falls below the standard of fill of container applicable thereto, unless its label bears, in such manner and form as such regulations specify, a statement that it falls below such standard.

(i) If it is not subject to the provisions of paragraph (g) of this section unless its label bears (1) the common or usual name of the food, if any there be, and (2) in case it is fabricated from two or more ingredients, the common or usual name of each such ingredient; except that spices, flavorings, and colorings, other than those sold as such, may be designated as spices, flavorings, and colorings without naming each: *Provided*, That, to the extent that compliance with the requirements of clause (2) of this paragraph is impracticable, or results in deception or unfair competition, exemptions shall be established by regulations promulgated by the Secretary.

(j) If it purports to be or is represented for special dietary uses, unless its label bears such information concerning its vitamin, mineral, and other dietary properties as the Secretary determines to be, and by regulations prescribes as, necessary in order fully to inform purchasers as to its value for such uses.

(k) If it bears or contains any artificial flavoring, artificial coloring or chemical preservative, unless it bears labeling stating that fact: *Provided*, That to the extent that compliance with the requirements of this paragraph is impracticable, exemptions shall be established by regulations promulgated by the Secretary. The provisions of this paragraph and paragraphs (g) and (i) with respect to artificial coloring shall not apply in the case of butter, cheese, or ice cream. *The provisions of this paragraph with respect to chemical preservatives shall not apply to a pesticide chemical when used in or on a raw agricultural commodity which is the produce of the soil.*

(l) *If it is a raw agricultural commodity which is the produce of the soil, bearing or containing a pesticide chemical applied after harvest, unless*

the shipping container of such commodity bears labeling which declares the presence of such chemical in or on such commodity and the common or usual name and the function of such chemical: Provided, however, That no such declaration shall be required while such commodity, having been removed from the shipping container, is being held or displayed for sale at retail out of such container in accordance with the custom of the trade.



Calendar No. 1611

86TH CONGRESS
2D SESSION

H. R. 7480

[Report No. 1548]

IN THE SENATE OF THE UNITED STATES

MAY 17, 1960

Read twice and referred to the Committee on Labor and Public Welfare

JUNE 10, 1960

Reported by Mr. HILL, without amendment

AN ACT

To amend the Federal Food, Drug, and Cosmetic Act, with respect to label declaration of the use of pesticide chemicals on raw agricultural commodities which are the produce of the soil.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*
3 That section 403 of the Federal Food, Drug, and Cosmetic
4 Act (21 U.S.C. 343) is amended—

5 (1) by adding at the end of paragraph (k) thereof
6 the following sentence: “The provisions of this para-
7 graph with respect to chemical preservatives shall not
8 apply to a pesticide chemical when used in or on a raw

1 agricultural commodity which is the produce of the
2 soil.”;

3 (2) by adding at the end of such section the follow-
4 ing new paragraph:

5 “(1) If it is a raw agricultural commodity which is the
6 produce of the soil, bearing or containing a pesticide chemical
7 applied after harvest, unless the shipping container of such
8 commodity bears labeling which declares the presence of
9 such chemical in or on such commodity and the common or
10 usual name and the function of such chemical: *Provided,*
11 *however,* That no such declaration shall be required while
12 such commodity, having been removed from the shipping
13 container, is being held or displayed for sale at retail out of
14 such container in accordance with the custom of the trade.”

15 SEC. 2. Nothing in the amendments made by the first
16 section of this Act shall affect any requirement of the laws
17 of any State or Territory.

Passed the House of Representatives May 16, 1960.

Attest:

RALPH R. ROBERTS,

Clerk.

AN ACT

To amend the Federal Food, Drug, and Cosmetic Act, with respect to label declaration of the use of pesticide chemicals on raw agricultural commodities which are the produce of the soil.

MAY 17, 1960

Read twice and referred to the Committee on Labor
and Public Welfare

JUNE 10, 1960

Reported without amendment

June 18, 1960

Agreed to the following amendments:

By Rep. Coffin to provide that none of the funds for technical cooperation shall be used to initiate any project or activity which has not been justified to the House and Senate (rather than justified to the Committees of Appropriations of the House and Senate as provided in the bill as reported). pp. 12129-30

By Rep. Yates to strike out a provision of the bill which would have provided that none of the funds could be used for the Indus River Basin project in India and Pakistan. pp. 12138-43

By Rep. Roosevelt to increase the appropriation for technical cooperation from \$150,000,000 to \$172,000,000. pp. 12130-1

By Rep. Reuss to strike out a provision of the bill providing that none of the funds shall be used to study the advisability of a Point Four Youth Corps to train young people to serve abroad in the technical cooperation program. pp. 12149-54

11. **TRANSPORTATION.** The Interstate and Foreign Commerce Committee reported the following bills: p. 12175

S. 1508, without amendment, to provide for the economic regulation of the Alaska Railroad under the Interstate Commerce Act (H. Rept. 1913);

S. 1509, with amendment, to amend the Interstate Commerce Act so as to provide for "grandfather" rights (preference rights for certain carriers operating in the past) for certain motor carriers and freight forwarders in Alaska (H. Rept. 1914).

12. **PERSONNEL.** The Post Office and Civil Service Committee reported with amendment S. 2857, to amend the Civil Service Retirement Act so as to provide for refunds of contributions in the case of annuitants whose length of service exceeds the amount necessary to provide the maximum annuity allowable under the act (H. Rept. 1916). p. 12175

13. **PUBLIC LANDS.** A subcommittee of the Interior and Insular Affairs Committee voted to report with amendment H. R. 10418, to revise the boundaries of the Coronado National Memorial. p. D570

14. **FRUIT AND NUT IMPORTS.** The "Daily Digest" states that the Rules Committee tabled H. R. 12341, regarding import restrictions on lemons, oranges, figs, dates, and walnuts. p. D570

15. **WHEAT; FARM PROGRAM.** Rep. Riehlman inserted a newspaper editorial urging enactment of legislation to provide a "new approach" to the farm program, stating that last year "96 factory-style farms collected more than \$50,000 each in cash loans on their wheat." p. 12171

16. **SMALL BUSINESS; MARKETING.** Rep. Patman inserted his testimony, and that of Rep. McFall, before the House Interstate and Foreign Commerce Committee supporting the enactment of legislation to prohibit the sale of commodities at unreasonably low prices. pp. 12160-66

17. **LEGISLATIVE PROGRAM.** Rep. Albert announced the following legislative program: Mon., June 20: consent calendar, followed by the following bills under motions to suspend the rules: S. 1508, Alaska railroad regulation, S. 1509, grandfather rights for motor carriers in Alaska, H. R. 9600, donation of surplus property, and H. R. 11499, use of surplus property by States; Tues: Private

calendar, and Poage farm bill; and for the remainder of the week: supplemental appropriation bill, H. R. 12176, extension of farm labor program, H. R. 7624, food additives bill, and H. R. 9996, importation of excess property. (p. 12136) He Also stated that any votes on Mon. or Tues. would go over until Wed. (p. 12174)

18. ADJOURNED until Mon., June 20. p. 12175

SENATE - JUNE 18

19. COTTON. Passed as reported H. R. 11646, to amend the act authorizing the Secretary of Agriculture to collect and publish statistics of the grade and staple length of cotton, as amended, by defining certain offenses in connection with the sampling of cotton for classification and providing a penalty provision. p. 12275

Passed without amendment H. R. 12115, to extend the minimum national marketing quota for extra long staple cotton to the 1961 crop. This bill will now be sent to the President. p. 12276

20. DAIRY PRICE SUPPORTS. Passed over, at the request of Sen. Hart, S. 2917, to establish a price support level for milk and butterfat. p. 12275

21. ACREAGE ALLOTMENTS. Passed as reported S. 3117, to treat all basic agricultural commodities alike with respect to the cost of remeasuring acreage. p. 12276

22. CHEMICAL PESTICIDES. Passed without amendment H. R. 7480, to amend the Federal Food, Drug, and Cosmetic Act so as to provide that the term "chemical preservative" shall not apply to a pesticide-chemical when used in or on a raw agricultural commodity produced from the soil, and to require that shipping containers for raw agricultural commodities be labeled to indicate by name or function the presence of any pesticide chemical that had been applied after harvest. This bill will now be sent to the President. pp. 12269-70

Passed over, at the Request of Sen. Hart, S. 3473, to provide for advance consultation with the Fish and Wildlife Service and with State wildlife agencies before the beginning of any Federal program involving the use of pesticides or other chemicals designed for mass biological controls. p. 12276

Sens. Curtis and Carlson criticized a statement by the Food and Drug Administration that the use of 2-4D weed killer on wheat fields might make the wheat unsalable, and invited any interested Senators to a meeting scheduled for June 19, 1954, to discuss the problem created by this announcement. pp. 12310-2

23. PERSONNEL. Passed over, at the request of Sen. Hart, H. R. 4601, to amend the act of Sept. 1, 1954, in order to limit to cases involving the national security the prohibition of payment of annuities and retired pay to officers and employees of the U. S. and S. 1638, to provide for an effective system of personnel administration for the executive branch of the Government. p. 12269

Passed without amendment S. 3486, to authorize Government agencies to provide quarters, household furniture and equipment, utilities, subsistence, and laundry service to civilian officers and employees of the U. S. p. 12272

Passed without amendment S. 3485, to amend section 7 of the Administrative Expenses Act of 1946, to provide for the payment of travel and transportation cost for persons selected for appointment to certain positions in the U. S. p. 12274

24. WATERSHEDS. Passed without amendment H. R. 11615 (in lieu of similar S. 3383), to amend Sec. 4 of the Watershed Protection and Flood Prevention Act to authorize Federal assistance on watershed projects prior to acquisition of land,

with an amendment, to strike out all after the enacting clause and insert:

That the following language be added to section 362(b) of the Communications Act of 1934 (47 U.S.C.A. 360):

"The Commission may, upon a finding that the public interest would be served thereby, waive the annual inspection required under this section from the time of first arrival at a United States port from a foreign port, for the sole purpose of enabling the vessel to proceed coastwise to another port in the United States where an inspection can be held; provided that such waiver may not exceed a period of thirty days."

The amendment was agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

STRIKING OF MEDAL IN COMMEMORATION OF CENTURY 21 EXPOSITION

The bill (S. 3532) to provide for the striking of medal in commemoration of Century 21 Exposition to be held in Seattle, Wash., was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, in commemoration of Century 21 Exposition, to be held in Seattle, Washington, beginning April 21, 1962, and ending October 21, 1962, the Secretary of the Treasury is authorized and directed to strike and furnish to the Century 21 Commission not more than five hundred thousand medals with suitable emblems, devices, and inscriptions to be determined by the Century 21 Commission and subject to the approval of the Secretary of the Treasury. The medals shall be made and delivered at such times as may be required by the Commission in quantities of not less than two thousand. The medals shall be considered to be national medals within the meaning of section 3551 of the Revised Statutes.

SEC. 2. The Secretary of the Treasury shall cause such medals to be struck and furnished at not less than the estimated cost of manufacture, including labor, materials, dies, use of machinery, and overhead expenses; and security satisfactory to the Director of the Mint shall be furnished to indemnify the United States for the full payment of such cost.

SEC. 3. The medals authorized to be issued pursuant to this Act shall be of such size or sizes and of such metals as shall be determined by the Secretary of the Treasury in consultation with such Commission.

STRIKING OF MEDALS IN COMMEMORATION OF FOUNDING OF STATE OF IDAHO AS A TERRITORY

The bill (S. 3160) to provide for the striking of medals in commemoration of the 100th anniversary of the founding of the State of Idaho as a Territory was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That in the commemoration of the one hundredth anniversary of the founding of the State of Idaho as a Territory, the Secretary of the Treasury is authorized and directed to strike and furnish to the Idaho Territorial Centennial Commission not more than ten thou-

sand medals of either silver or bronze or both, of a suitable size and with suitable emblems, devices, and inscriptions to be determined by the Idaho Territorial Centennial Commission subject to the approval of the Secretary of the Treasury. The medals shall be made and delivered at such times as required by the Commission in quantities of not less than two thousand, but no medals shall be made after December 31, 1963. The medals shall be considered to be national medals within the meaning of section 3551 of the Revised Statutes.

SEC. 2. (a) The Secretary of the Treasury shall cause such medals to be struck and furnished at no less than the estimated cost of manufacture, including labor, materials, dies, use of machinery, and overhead expenses; and security satisfactory to the Director of the Mint shall be furnished to indemnify the United States for the full payment of such cost.

(b) Upon authorization from the Idaho Territorial Centennial Commission, the Secretary of the Treasury shall cause duplicates in silver or bronze or both of such medal to be coined, and sold, under such regulations as he may prescribe, at a price sufficient to cover the cost thereof (including labor).

BILLS PASSED OVER

The bill (S. 1964) to amend the act requiring certain common carriers by railroad to make reports to the Interstate Commerce Commission with respect to certain accidents in order to clarify the requirements of such act was announced as next in order.

Mr. HART. Over, by request.

The PRESIDING OFFICER. The bill will be passed over.

Mr. HART. Mr. President, I ask that the measures from Calendar Nos. 1607 through 1610, inclusive, be passed over as not being appropriate for Calendar action.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bills passed over are as follows:

The bill (H.R. 4601) to amend the act of September 1, 1954, in order to limit to cases involving the national security the prohibition on payment of annuities and retired pay to officers and employees of the United States, to clarify the application and operation of such act, and for other purposes, was announced as next in order.

The bill (S. 1638) to provide for an effective system of personnel administration for the executive branch of the Government.

The bill (S. 1425) to amend the Interstate Commerce Act so as to provide for the protection of railroad employees by regulating the use of track motor cars, and for other purposes.

The bill (H.R. 10596) to change the method of payment of Federal aid to State or territorial homes for the support of disabled soldiers, sailors, airmen, and marines of the United States.

LABEL DECLARATION OF USE OF PESTICIDE CHEMICALS ON RAW AGRICULTURAL COMMODITIES

The bill (H.R. 7480) to amend the Federal Food, Drug, and Cosmetic Act, with respect to label declaration of the use of pesticide chemicals on raw agricultural commodities which are the

produce of the soil was announced as next in order.

Mr. HOLLAND. Mr. President, in order to explain the bill, I ask unanimous consent that the first three sections of the committee report be printed at this point in the RECORD.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

The Committee on Labor and Public Welfare, to whom was referred the bill (H.R. 7480) to amend the Federal Food, Drug, and Cosmetic Act, with respect to label declaration of the use of pesticide chemicals on raw agricultural commodities which are the produce of the soil, having considered the same, unanimously report favorably thereon without amendment and recommend that the bill do pass.

EXPLANATION

This bill would provide for a label on the shipping container of raw agricultural commodities declaring the presence of pesticide chemicals, but would not require such declaration while such commodities are displayed for retail sale outside the shipping container.

The amendment proposed by this bill to section 403 would not in any way weaken the protection which the Federal Food, Drug, and Cosmetic Act gives to consumers against the use of unsafe pesticide chemicals on raw agricultural commodities. This protection against unsafe pesticide chemicals is assured by section 408 of the act, which prohibits the use of pesticide chemicals on produce unless the Secretary of Health, Education, and Welfare has prescribed safe tolerances for such chemicals. The Food and Drug Administration has acknowledged that this bill would not affect the safeguards to public health established by section 408.

The laws of States and territories would not be affected by this legislative proposal.

BACKGROUND

Losses of fresh fruits and vegetables due to decay in marketing run into the millions of dollars annually. Pesticide chemicals are being used to cut down on these staggering losses, without harm to the consumer, and thus enable the farm economy to deliver to consumers a greater quantity of healthful fresh produce of a high quality and at a lower price than would be possible without their use. The application of pesticide chemicals to fresh fruits and vegetables has been increasing rapidly as new and more effective chemicals are developed.

Pesticide chemicals have been found to be extremely effective in reducing the serious losses of perishable raw agricultural commodities due to decay and insect infestation. The necessity of their use for the marketing of fresh produce is fully recognized by the fruit and vegetable growers, by scientific experts in the field, and by the Federal Food and Drug Administration.

Section 403(k) of the Federal Food, Drug, and Cosmetic Act provides, in part, that a food shall be deemed to be misbranded if it bears or contains any chemical preservative, unless the food bears a label stating that fact. The term "chemical preservative" is defined by regulation of the Food and Drug Administration as "any chemical that, when added to food, tends to prevent or retard deterioration thereof but does not include common salt, sugars, vinegars, spices, or oils extracted from spices, substances added to food by direct exposure thereof to wood smoke, or chemicals applied for their insecticidal or herbicidal properties." To the extent that it is impracticable to comply with this labeling requirement, the Secretary of Health, Education, and Welfare is directed by section 403(k) to establish exemptions by regulation.

The Food and Drug Administration has taken the position that pesticide chemicals put on fresh fruits or vegetables or on other raw agricultural commodities in order to prevent, retard, or arrest the growth of molds or bacteria and thereby to prevent or retard rot or decay, are chemical preservatives within the meaning of section 403(k). With respect to chemical preservatives applied to fruits and vegetables as pesticide chemicals before harvest, the Secretary has found label declaration under section 403(k) to be impracticable and hence has granted an exemption to that extent. If applied after harvest, however, the presence of the pesticide chemical as a preservative must be declared.

Under the circumstances, fresh fruits and vegetables shipped in interstate commerce, which have safe residues of pesticide chemicals applied postharvest to retard decay during the marketing process, must bear a label indicating that a chemical preservative has been used. The name of the pesticide, however, does not have to be stated under section 403(k).

The label stating that a chemical preservative has been used on the fruits or vegetables must appear, under the present regulations, in or on the bulk shipping container and on the display bin at the retail store by means of a counter card or sign placed conspicuously so that the consumer will be advised of that fact. Incorrect labeling is a violation of the act, and is a criminal offense.

Under section 403(i)(2) of the Federal Food, Drug, and Cosmetic Act, the Food and Drug Administration has, moreover, insisted on label declaration of the common or usual name (not necessarily the chemical name) of a pesticide chemical applied after harvest. Section 403(i)(2) of the act requires label declaration of the common or usual name of each ingredient of a fabricated food except to the extent that the Secretary finds compliance impracticable. The Food and Drug Administration holds that when a fresh fruit or vegetable has been treated with a pesticide chemical after harvest, the fruit or vegetable is a "fabricated food" and the chemical is an "ingredient" the name of which must be declared in the absence of an exemption. No such exemption has been granted, though the Food and Drug Administration has proposed one for citrus fruit while displayed outside the shipping container at retail. This exemption would apply only to the requirement of declaration of the name, not to the requirement of section 403(k) as to the presence of a chemical preservative.

However, the fresh fruit and vegetable industry differs from the viewpoint expressed by the Food and Drug Administration and they presented evidence by industry witnesses and land-grant college experts in support of the position that pesticide chemicals used postharvest on fresh fruits and vegetables are not chemical preservatives within the meaning of section 403(k). These experts stated that fresh fruits and vegetables are living organisms, and not "preserved" by pesticidal residues. The presence of the residue does not eliminate any need for refrigeration by the purchaser of such commodities to avoid spoilage, in contrast to the preserved processed foods which do not require refrigeration.

The fresh fruit and vegetable industry has also strongly disagreed with the interpretation of section 403(l)(2), under which fresh fruits and vegetables treated postharvest with a pesticide chemical are considered "fabricated food" required to bear labeling showing the common or usual name of the chemical applied thereto. Furthermore, regardless of the question of interpretation, the industry has been urging that such label declarations are impracticable, especially at retail level, that where there is an attempt to compliance—by placard notice when the

commodity is displayed at retail on the counter or in a bin—there is buyer resistance to the detriment of both producers and consumers, and that because of these labeling requirements large retailers are threatening to refuse fruits and vegetables so treated.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

There being no objection, the bill was considered, ordered to a third reading, read the third time, and passed.

BILL PASSED OVER

The bill (H.R. 10455) to amend the Mineral Leasing Act of February 25, 1920, was announced as next in order.

Mr. PROUTY. Over.

The PRESIDING OFFICER. The bill will be passed over.

ELIGIBILITY FOR SCHOLARSHIPS AND FELLOWSHIPS OF AMERICAN NATIONALS

The bill (H.R. 11985) to make American nationals eligible for scholarships and fellowships authorized by the National Science Foundation Act of 1950 was considered, ordered to a third reading, read the third time, and passed.

BOROUGH OF FORD CITY, PA.

The bill (H.R. 5850) for the relief of the Borough of Ford City, Pa., was considered, ordered to a third reading, read the third time, and passed.

BILL PASSED OVER

The bill (H.R. 4964) for the relief of Mrs. Betty L. Fonk was announced as next in order.

Mr. PROUTY. Over.

The PRESIDING OFFICER. The bill will be passed over.

ANTHONY DI GIOVANNI

The bill (S. 598) for the relief of Anthony Di Giovanni was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That notwithstanding the provisions of paragraph (9) of section 212(a) of the Immigration and Nationality Act, Anthony Di Giovanni may be issued a visa and be admitted to the United States for permanent residence if he is found to be otherwise admissible under the provisions of such Act: Provided, That this Act shall apply only to grounds for exclusion under such paragraph known to the Secretary of State or the Attorney General prior to the date of the enactment of this Act.

PETER DOLAS

The bill (S. 2310) for the relief of Peter Dolas was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, for the purposes of the Immigration and Nationality Act, Peter Dolas shall be held and considered

to have been lawfully admitted to the United States for permanent residence as of the date of the enactment of this Act upon payment of the required visa fee. Upon the granting of permanent residence to such alien as provided for in this Act, the Secretary of State shall instruct the proper quota-control officer to deduct one number from the appropriate quota for the first year that such quota is available.

COL. JOHN A. RYAN, JR.

The bill (S. 2353) for the relief of Col. John A. Ryan, Jr., was announced as next in order.

Mr. JOHNSON of Texas. May we have an explanation of the bill, please?

Mr. KEATING. Mr. President, the purpose of the bill is to authorize the Secretary of the Treasury to pay to Col. John A. Ryan, Jr., of the U.S. Air Force, the sum of \$100,000. The payment is to be in full satisfaction of all claims which he might have against the United States or any foreign country, resulting from the development by him, outside of official working hours, of a new bombing system known as the low-altitude bombing system and apparatus.

Colonel Ryan is one of the many unsung heroes serving our Nation. During the war, working on his own time outside of official working hours, he developed with his inventive skill an ingenious military device known as the low-altitude bombing system and apparatus.

For many years his invention was a closely guarded military secret. It was very widely employed by our Armed Forces, however, and is still standard equipment on such Air Force planes as the F-100C, the F-101A, and the B-57, the B-66B, and the B-47. Equipment involving his invention has been installed in quantity in aircraft supplied to the NATO countries by the United States.

The Department of the Air Force in recommending the bill has stated that Colonel Ryan's invention "contributed in a decided manner to the Air Force's and the Navy's capability, in that it provided the means for an early low-altitude safe and acceptable means for delivery of special weapons."

If Colonel Ryan had developed his system while working for private industry, he would be a millionaire many times over today. Actually, he has not received any financial reward for his magnificent contribution to our war and defense effort. It would be unjust, not only to Colonel Ryan, but to our Nation, if we did not in some appropriate way reward him for his contribution. We must do everything we can to encourage his example of selfless duty and initiative in order that our country will always have the benefit of similar inventive genius.

The amount of \$100,000 called for in S. 2353, while substantial, is modest in relation to the actual value of Colonel Ryan's contribution. Because of security restrictions, Colonel Ryan had to forfeit any opportunity to protect his system. Now he has obtained patents covering the invention, but no royalties can be charged on these, and they will be assigned to the United States prior to

Public Law 86-537
86th Congress, H. R. 7480
June 29, 1960

AN ACT

74 STAT. 251.

To amend the Federal Food, Drug, and Cosmetic Act, with respect to label declaration of the use of pesticide chemicals on raw agricultural commodities which are the produce of the soil.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 403 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 343) is amended—

(1) by adding at the end of paragraph (k) thereof the following sentence: "The provisions of this paragraph with respect to chemical preservatives shall not apply to a pesticide chemical when used in or on a raw agricultural commodity which is the produce of the soil.";

(2) by adding at the end of such section the following new paragraph:

"(1) If it is a raw agricultural commodity which is the produce of the soil, bearing or containing a pesticide chemical applied after harvest, unless the shipping container of such commodity bears labeling which declares the presence of such chemical in or on such commodity and the common or usual name and the function of such chemical: *Provided, however,* That no such declaration shall be required while such commodity, having been removed from the shipping container, is being held or displayed for sale at retail out of such container in accordance with the custom of the trade."

SEC. 2. Nothing in the amendments made by the first section of this Act shall affect any requirement of the laws of any State or Territory.

Approved June 29, 1960.

Federal Food,
Drug and Cos-
metic Act.
Pesticide chem-
icals.
52 Stat. 1047.

